






LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

328.7481

P381

1941

v.3



Digitized by the Internet Archive
in 2025 with funding from
University of Illinois Urbana-Champaign

328.7481
P381
1941
v. 3

LIBRARY
UNIVERSITY OF ILLINOIS
URBANA

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, MAY 21, 1941.

No. 57,

SENATE

WEDNESDAY, May 21, 1941.

The Senate met at 1:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

Gracious Father in heaven, our need for Thy holy presence is more and more pronounced with each succeeding day, for we need direction and guidance in every phase of our national endeavor.

Make us aware of the dangers which confront us. Help us to see the jeopardizing influences which threaten our liberty. May we realize the enemies both within and without our nation who seek to filch from us our valued independence. Let truth triumph through a direct obedience to Thee and the ideals set forth in Thy holy word. Let the consciousness that it is better to obey than sacrifice saturate our beings.

May that which we do here today be for the utmost good of our people in legislation, thereby fulfilling our sacred trust unto them. We pray in Jesus' name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CHAPMAN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. EALY. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 21, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Stella M. Adams, Pittsburgh, Nixon Bldg.
Miss Diana G. Atchison, Pittsburgh, Burrell Technical Supply Co., 1942 5th Ave.
Samuel N. Goldman, Pittsburgh, Law and Finance Building.
Mrs. Libbie R. Rosenthal, Pittsburgh, 5831 Forbes St.
Simon M. Rosenthal, Pittsburgh, 5831 Forbes St.

BLAIR COUNTY

Miss Anna M. Feeney, Altoona.

LEBANON COUNTY

Miss Frances Rae Shearer, Annville Twp., 36 College Ave., Annville.

LYCOMING COUNTY

J. C. Krebs, Williamsport.

PHILADELPHIA COUNTY

Pierce Archer, Jr., Phila., 1104 Stock Exchange Building.
Miss K. M. Duffy, Phila., Girard Trust Co.
Frederic B. Gilbert, 3rd., Phila., 5137 Catharine St.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. EALY and Mr. EDMONDS, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barr,	Deltrick.	Kephart,	Stevenson.
Bartlett,	DiSilvestro.	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Taylor,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante.	Farrell,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Shapiro,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Woodward,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

RESOLUTION RECALLING HOUSE BILL No. 364 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, May 21, 1941.

Resolved (if the Senate concur), That House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended 'The Workmen's Compensation Act of 1915'." amplifying the provisions thereof as to persons entitled to such payments

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING HOUSE BILL No. 1021 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 21, 1941.

Resolved (if the Senate concur) That House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING HOUSE BILL No. 1098 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 21, 1941.

Resolved (if the Senate concur), That House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY SENATE TO SENATE BILL No. 253

He also informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 253, entitled:

An Act relating to members of the bureau of fire in cities of the second class; providing, subject to the approval of the electors, for a three-platoon system for such members, with certain exceptions; providing for an election on such question; and regulating hours of service hours of rest and annual vacations

APPOINTMENT OF CONFERENCE COMMITTEE ON PART OF THE HOUSE

The PRESIDENT. The Conference Committee on the part of the House has been announced to be Representatives Mihm, Allegheny; Baker, Allegheny; and Fleming, Allegheny, to confer with a similar committee which has already been appointed on the part of the Senate to confer on the differences existing on Senate Bill No. 253.

HOUSE CONCURS IN SENATE BILL NO. 66

He also returned to the Senate, Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 270

He also returned to the Senate, Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act, approved the 1st day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class: and amending, revising, consolidating and changing the law relating thereto," by authorizing such townships to regulate the use of certain park and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 447

He also returned to the Senate, Senate Bill No. 447, entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Com-

monwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations

with the information that the House has passed the same without amendments.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1228, entitled:

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266) entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name" exempting the sale of books to libraries from the provisions of said act.

House Bill No. 1373, entitled:

An Act to amend part of section two of the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," by making an appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 11, (Senate Bill No. 937), entitled:

An Act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the "Pennsylvania Board of Parole"; conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employees thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor and for other cognate purposes; and making an appropriation.

Which was committed to the Committee on State Government.

House Bill No. 49, (Senate Bill No. 938), entitled:

An Act making an appropriation for the maintenance, repair, and improvement of the Port of Philadelphia.

Which was committed to the Committee on Appropriations.

House Bill No. 61, (Senate Bill No. 939), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Which was committed to the Committee on Appropriations.

House Bill No. 266, (Senate Bill No. 940), entitled:

An Act making an appropriation to the Glen Mills School, situate in Delaware County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 276, (Senate Bill No. 941), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Which was committed to the Committee on Appropriations.

House Bill No. 280, (Senate Bill No. 942), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University, Chester County.

Which was committed to the Committee on Appropriations.

House Bill No. 281, (Senate Bill No. 943), entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

Which was committed to the Committee on Appropriations.

House Bill No. 284, (Senate Bill No. 944), entitled:

An Act making an appropriation from the Motor License Fund, to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

Which was committed to the Committee on Appropriations.

House Bill No. 291, (Senate Bill No. 945), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

Which was committed to the Committee on Appropriations.

House Bill No. 301, (Senate Bill No. 946), entitled:

An Act to amend sections four hundred one, four hundred three and four hundred four of the act, approved the fifth day of December, one thousand nine hundred and

thirty-six (1937 P. L. 2807), entitled "Unemployment Compensation Law," reducing the waiting period and increasing the rate and amount of compensation.

Which was committed to the Committee on Appropriations.

House Bill No. 310, (Senate Bill No. 947), entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

Which was committed to the Committee on Appropriations.

House Bill No. 317, (Senate Bill No. 948), entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 322, (Senate Bill No. 949), entitled:

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 333, (Senate Bill No. 950), entitled: compensation from the Fish Fund.

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 347, (Senate Bill No. 951), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 348, (Senate Bill No. 952), entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

Which was committed to the Committee on Appropriations.

House Bill No. 351, (Senate Bill No. 953), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 371, (Senate Bill No. 954), entitled:

An Act making an appropriation to the Department of

Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

Which was committed to the Committee on Appropriations.

House Bill No. 378, (Senate Bill No. 955), entitled:

An Act making an appropriation for the payment of expenses of the Electoral College.

Which was committed to the Committee on Appropriations.

House Bill No. 489, (Senate Bill No. 956), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

Which was committed to the Committee on Appropriations.

House Bill No. 529, (Senate Bill No. 957), entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "The Second Class Township Law," by providing that the tax collector shall give but one bond for the collection of township, county, school district, poor district and institution district taxes.

Which was committed to the Committee on County Government.

House Bill No. 546, (Senate Bill No. 958), entitled:

An Act making an appropriation to the Department of Agriculture to advance the potato interests in this Commonwealth.

Which was committed to the Committee on Appropriations.

House Bill No. 572, (Senate Bill No. 959), entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

House Bill No. 614, (Senate Bill No. 960), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 654, (Senate Bill No. 961), entitled:

An Act authorizing counties, cities, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment

of taxes or municipal claims to take title jointly in proportions to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

Which was committed to the Committee on Municipal Government.

House Bill No. 757, (Senate Bill No. 962), entitled:

An Act providing for and regulating the validation of certain borough ordinances.

Which was committed to the Committee on Municipal Government.

House Bill No. 861, (Senate Bill No. 963), entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled, "General Borough Act," by further regulating the affairs of boroughs and revising, amending and changing the law relating thereto.

Which was committed to the Committee on Municipal Government.

House Bill No. 940, (Senate Bill No. 964), entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "General Borough Act" authorizing boroughs to appropriate moneys for the support of hospitals.

Which was committed to the Committee on Municipal Government.

House Bill No. 954, (Senate Bill No. 965), entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, gift, lease or condemnation on behalf of the Commonwealth of Pennsylvania, a tract of land near the present site of the Joseph T. Rothrock memorial for the purpose of erecting a new and suitable memorial to the memory of Joseph T. Rothrock thereon; providing for the selection of such a site and memorial by and with the consent of the Pennsylvania Historical Commission; providing for the control, management, supervision, improvement and preservation and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 955, (Senate Bill No. 966), entitled:

An Act to amend section ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," further regulating use of nets in boundary lakes.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1003, (Senate Bill No. 967), entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1065, (Senate Bill No. 968), entitled:

An Act making an appropriation to the National Farm School, at Doylestown, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1066, (Senate Bill No. 969), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital, of Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1068, (Senate Bill No. 970), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1083, (Senate Bill No. 971), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1106, (Senate Bill No. 972), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1130, (Senate Bill No. 973), entitled:

An Act making an appropriation to the Veterans of Foreign Wars, Department of Pennsylvania, towards expenses of the National Encampment in Philadelphia.

Which was committed to the Committee on Appropriations.

House Bill No. 1167, (Senate Bill No. 974), entitled:

An Act to amend section three hundred and seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "The Game Law," changing the provisions of said act to the right of residents to hunt and trap without a license.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1193, (Senate Bill No. 975), entitled:

An Act to further amend section fifty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "Fish Law of 1925," further regulating the taking of eels.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1218, (Senate Bill No. 976), entitled:

An Act to amend section two hundred eighty-two of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," providing for payment of one-fourth of fines collected for violation of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen, and justices of the peace.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1230, (Senate Bill No. 977), entitled:

An Act to further amend section one and to amend section three of the act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (P. L. 730), entitled "Soft Drink Law," by excluding certain juices and combinations of juices from the operation of the act; and requiring separate registration for each bottling or manufacturing plant.

Which was committed to the Committee on Agriculture.

House Bill No. 1315, (Senate Bill No. 978), entitled:

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-seven (P. L. 589), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the first class as State highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said street after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the new sections; making certain changes in the designation of Motor License Fund for the purposes of this act," by adding certain streets taken over as State highways, and adding thereto certain additional streets; providing for the taking, opening, relocation, widening, or change of grade of such state highways at the expense of the Commonwealth and the city, or either of them; designating the city as agent for the Commonwealth in the settlement of damages; authorizing agreements for the taking, opening, relocation, widening, change of grade, construction, reconstruction, repair, and maintenance of such State highways; appropriating money in the Motor License Fund for the purposes of the act as amended.

Which was committed to the Committee on Highways.

House Bill No. 1321, (Senate Bill No. 979), entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

Which was committed to the Committee on Appropriations.

House Bill No. 1330, (Senate Bill No. 980), entitled:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board, to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1332, (Senate Bill No. 981), entitled:

An Act making an appropriation from the Motor License Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1334, (Senate Bill No. 982), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

Which was committed to the Committee on Appropriations.

House Bill No. 1343, (Senate Bill No. 983), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Which was committed to the Committee on Appropriations.

House Bil No. 1344, (Senate Bill No. 984), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Which was committed to the Committee on Appropriations.

House Bill No. 1345, (Senate Bill No. 985), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1399, (Senate Bill No. 986), entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 624) entitled "Banking Code," as amended by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Which was committed to the Committee on Banking.

House Bill No. 1417, (Senate Bill No. 987), entitled:

An Act making an appropriation to The General State Authority, to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

Which was committed to the Committee on Appropriations.

House Bill No. 1459, (Senate Bill No. 988), entitled:

An Act to enable the county commissioners of counties of the first, second and third classes to establish by resolution the requirements of responsible bidders for county printing, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Which was committed to the Committee on County Government.

House Bill No. 1463, (Senate Bill No. 989), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings.

and facilities of the Authority or for the services rendered by the Authority or its projects.

Which was committed to the Committee on Appropriations.

House Bill No. 1534, (Senate Bill No. 990), entitled:

An Act making an appropriation to the Joint State Government Commission.

Which was committed to the Committee on Appropriations.

House Bill No. 1538, (Senate Bill No. 991), entitled:

An Act to further amend section one and to amend section four of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further defining its powers and duties; and amplifying the provision relating to appropriations.

Which was committed to the Committee on State Government.

House Bill No. 1590, (Senate Bill No. 992), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

Which was committed to the Committee on Appropriations.

House Bill No. 1591, (Senate Bill No. 993), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

Which was committed to the Committee on Appropriations.

INVITATION FROM THE HOUSE OF REPRESENTATIVES

The PRESIDENT. The Chair lays before the Senate an invitation from the House of Representatives, which the Clerk will read.

The Clerk read the invitation as follows:

Honorable Samuel S. Lewis
The Senate
Harrisburg
Dear Sir:

On Monday evening May 26th, in the Hall of the House of Representatives there will be a showing of the Movietone Newsreel of the Gas Explosion of February 11, 1941, in the City of Philadelphia.

The Committee appointed under House Resolution No. 25 invites you and the members of the Senate to witness the showing of this Newsreel at seven p. m. Eastern Standard Time.

Very truly yours,

(Signed) PAUL D'ORTONA,
Chairman.

Harrisburg
20 May 1941

REPORTS FROM COMMITTEES

Mr. CROWE, from the Committee on Agriculture, reported as committed, Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

He also, from the Committee on Education, reported as committed, Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

He also, from the Committee on Military Affairs, reported as committed, Senate Bill No. 791, (House Bill No. 104), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," extending the time during which application may be filed for veterans' compensation.

Mr. EDMONDS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 290, (House Bill No. 374), entitled:

An Act to add clause (e) to section four of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "An act defining the term 'fiduciary'; prescribing the nature and kind of investments which may be made by such fiduciaries; validating certain investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

He also, from the Committee on Education, reported as committed, Senate Bill No. 930, (House Bill No. 1588), entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the methods of collecting such revenue and repealing; all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

Mr. FARRELL, from the Committee on Municipal

Government, reported as committed, Senate Bill No. 773, (House Bill No. 1255), entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 771, (House Bill No. 1240), entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June Seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of the files and records when no certified copy is made.

He also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 772, (House Bill No. 1253), entitled:

An Act providing a method of annexation of parts of townships now owned by and contiguous to cities of the first class and regulating the proceedings pertaining thereto.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law.

Mr. BECKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 560, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trusts; estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain

old legacies, with notice by publication but without the issuance of a citation.

He also, from the Committee on Education reported as committed, Senate Bill No. 785, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

Mr. WOODWARD. Mr. President, you may remember that yesterday the Senator from Luzerne, Dr. Mundy, explained that his only Mundy bill was being sent back, so it now gives me pleasure to report from the Committee on Judiciary General another Mundy Bill, so his name will be on the Calendar.

Mr. WOODWARD, from the Committee on Judiciary General, reported as amended, Senate Bill No. 486, entitled:

An Act relating to sheriffs' sales of personal property, providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims.

Mr. McCREESH, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens

He also, from the Committee on Municipal Government, re-reported as committed, Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

He also, from the Committee on Municipal Government,

reported as committed, Senate Bill No. 858, (House Bill No. 192), entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto"; providing for appeals by policemen who are fined, suspended or discharged after hearing.

MEMORIALIZING VETERANS' ADMINISTRATION OF
UNITED STATES AND FEDERAL BOARD OF
HOSPITALIZATION TO ERECT HOSPITAL IN
PENNSYLVANIA TO CARE FOR DISABLED
WAR VETERANS

Mr. CAVALCANTE, from the Committee on Military Affairs, to which was referred resolution offered by Mr. Mallery on May 7, 1941, reported the same without amendment as follows:

In the Senate, May 7, 1941.

The present facilities of the Federal hospitals within the Commonwealth are becoming inadequate to properly care for the veterans in need of hospitalization and medical care.

As this need increases the facilities will become less adequate and those who made the great sacrifice for the Nation will be denied the care and attention they so richly deserve.

An additional veterans' hospital is now needed in Pennsylvania to properly care for the veterans within its borders now requiring skilled medical care and attention.

Any new hospital erected for this purpose should be located in a section of the State not now having such facilities and at a place where the inmates would have the benefit of elevation and the quietness that distance from built-up communities affords; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania hereby memorializes the Veterans' Administration of the United States and the Federal Board of Hospitalization to locate as quickly as possible a hospital in central Pennsylvania to take care of sick and disabled war veterans; and be it further

Resolved, That copies of this resolution be sent to Veterans' Administration, Federal Board of Hospitalization and representatives in Congress from this Commonwealth.

Mr. CAVALCANTE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 428, entitled:

An Act to amend section nine hundred and one of, and to add section nine hundred and one-tenth to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by limiting the offense of burglary to certain acts committed by night, and making entering buildings in the daytime, with intent to commit a felony therein, or breaking and entering buildings in the daytime, a felony.

Mr. STEVENSON, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 571, entitled:

An Act making an appropriation to the Local Government Commission to continue its work.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 688, (House Bill No. 885), entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), en-

titled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 468, (House Bill No. 70), entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto by providing for the compensation paid to township commissioners

He also, from the Committee on Municipal Government, re-reported as committed, Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 501, (House Bill No. 710), entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years; and validating the liens of such taxes.

Mr. MALLERY, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 601, entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Constitutional Changes reported as committed, Senate Bill No. 697, entitled:

An Act proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

He also, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 667, entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 893, (House Bill No. 525), entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

Mr. HOMSHER, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 262, entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

Mr. WATKINS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 901, (House Bill No. 1259), entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties.

He also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 701, (House Bill No. 404), entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating hereto.

Mr. BARR, from the Committee on County Government, reported as committed, Senate Bill No. 730, (House Bill No. 647), entitled:

An Act relating to the bonds to be given by county officers their deputies clerks and assistants in counties of the second class the amount and conditions thereof the sureties for such bonds the payment of the premiums therefor and the recording and custody thereof

He also, from the Committee on County Government, reported as committed, Senate Bill No. 753, (House Bill No. 645), entitled:

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

Mr. RUTH, from the Committee on Judiciary General, reported as amended, Senate Bill No. 633, (House Bill No. 949), entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

He also, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 922, (House Bill No. 900), entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

He also, from the Committee on Education, reported as committed, Senate Bill No. 802, entitled:

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers.

He also, from the Committee on Education, reported as committed, Senate Bill No. 822, entitled:

An Act to further amend section one thousand one hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents.

He also, from the Committee on Education, re-reported as amended, Senate Bill No. 443, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

Mr. WOODWARD, from the Committee on Municipal Government, reported as committed, Senate Bill No. 888, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

BILL RE-REFERRED

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 743, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1933) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, by imposing further duties upon county boards of elections and their employes, and courts; providing for the appoint-

ment of examiners of elections and prescribing their duties; reducing the number of watchers that may be appointed for any primary or election, and reducing their compensation, and limiting the time in which requests for appointment of watchers may be filed; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby party officers may be removed from office providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast, and the method by which the returns shall be computed by county boards of elections; requiring expense accounts to be accompanied by vouchers for all items in excess of three dollars; providing additional penalties; and further clarifying coordinating certain provisions of said act.

with the request that it be re-referred to the Committee on Elections.

The PRESIDENT. It is so referred.

REPORTS FROM COMMITTEES

Mr. WALKER, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 559, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

Mr. STIEFEL, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 301, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in cooperation with employment offices, for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals, in order to enable them to enter, reenter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation.

He also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 204, entitled:

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal.

BILLS INTRODUCED

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 994, entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 995, entitled:

An Act to add section three and one-tenth to the act approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and

employees of the General Assembly, and providing for their election or appointment, term of office and manner of filling vacancies." further regulating the compensation of certain officers and employees.

Which was committed to the Committee on State Government.

Mr. WOODWARD. Mr. President, this is an economy bill, which will enable us to take a recess without paying the per diem men \$8,190 per week while we are absent. This bill will be very popular with the pages and so forth.

Mr. TAYLOR read in his place and presented to the Chair Senate Bill No. 996, entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

Which was committed to the Committee on State Government.

Messrs. MCGINNIS and WALKER read in their places and presented to the Chair Senate Bill No. 997, entitled:

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 774), entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission, and authorizing the issuance of turnpike revenue refunding bonds," reducing the number of members of the Pennsylvania Turnpike Commission, and increasing the salaries thereof.

Which was committed to the Committee on Highways.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF THE BOARD OF TRUSTEES OF SHIPPENSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Shippensburg State Teachers' College, for terms of four years, and until their successors are qualified:

CUMBERLAND COUNTY

Earle H. Schaeffer, Camp Hill, (Reappointment).
Mrs. Grace Sponseller, Shippensburg, vice Dr. Edward S. Berry, whose term expired.
Caleb S. Brinton, Carlisle, (Reappointment).
Hon. William R. Shearer, Carlisle, vice Ralph Jacoby, whose term expired.
Roy Richwine, R. D., Mechanicsburg, vice John L. Finarock, whose term expired.
Carl Naugle, Shippensburg, vice H. B. Hege, whose term expired.

YORK COUNTY

James Ebbert, York, to fill a vacancy.

FRANKLIN COUNTY

Raymond G. Mowery, Quincy, vice Jeremiah S. Omwake, whose term expired.
D. Norris Benedict, Waynesboro, vice Mrs. Ethel Smiley Ogle, whose term expired.

ARTHUR H. JAMES.

QUESTION OF PERSONAL PRIVILEGE

Mr. EALY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Somerset will state his question of personal privilege.

Mr. EALY. Mr. President, yesterday a number of the Senators engaged in Senate debate around, about and over some of the bills on the Calendar, and the debate went to pretty far limits.

I should like to have the Senators bear with me for just a few minutes on the general subject of defense, about which I want to make some general observations.

I have considerable hesitancy in making these remarks, because what I am going to say is nothing new, but it seems to me that we are missing the fundamentals of this matter, and I think the subject of defense goes much further than the mere supplying of munitions.

In the recent public meeting of the State Council of Defense, stress was laid by the speakers on the fact that the real defense of America must be builded in the various communities all over our country—in the lives of the men and women everywhere, who make up this great nation of ours.

If we give efficient aid to Great Britain promptly, it is unlikely that our homes will be destroyed and our people

slaughtered by the merciless rain of destruction poured on us by the air fleets of the barbarous invader, but nonetheless back of the armed forces of our country wherever they may be, must be the united and patriotic support of the citizens generally.

In no other part of the world, in any age of its history, have men and women enjoyed such material well being, such freedom and such happiness as in America. We have come to accept these comforts as commonplace, as our natural due, without too much effort on our part. We have become too selfish and too dependent upon others and upon the State for our means of living. But liberty of action and the benefits and privileges we enjoy were not obtained without a hard and difficult struggle by our ancestors. We have been reaping the fruits of their labor through the centuries since the first colonists landed at Jamestown.

And the fact to remember in all this is that America became great through the development of the individual and by giving full play, within proper limits, to individual effort, initiative and enterprise. As the wall of a building cannot stand if the bricks which compose it crumble and break, so a nation cannot endure if its men and women have lost faith and strength and the capacity for government.

The early settlers of America came not for gold or gain, but to secure the right to worship God in their own way, to educate themselves in their own manner and to govern themselves according to their own desires. To obtain these benefits they were willing to undergo the hardest kind of toil and whatever privations were necessary.

The pattern used by our fathers in the building of America is expressed by Mr. John Boyle O'Reilly in that beautiful poem on the "Pilgrim Fathers." He says, in part:

"Give praise to others, early come, or late,
For love and labor on our ship of state;
But this must stand above all fame and zeal;
The Pilgrim Fathers laid the ribs and keel.
On their strong lines, we base our social health,
The man, the home, the town, the Commonwealth!

We live more luxuriously than we did a quarter of a century ago. Have we, in the process of change, lost something of the fiber and quality which then went to make up manhood and womanhood?

In order to acquire present advantages and benefits we have piled up tremendous debts of our National Government and in our State and local administrations. Have we been fair to our children and grandchildren in subjecting them to the great burdens of taxation which they will have to assume to restore the country to economic health?

It was right and proper to provide that no one in this land of abundance should suffer for want of food and clothing and medical attendance. But relief became a sort of racket administered by bureaus whose interest lay in increasing the rolls of the dependent rather than in aiding the unfortunate temporarily until they had reassumed their proper places in life as partners in a government of the people.

In a time of stress it is necessary to take from those who have in order to relieve the needy, but to redistribute property indiscriminately was fundamentally wrong and if carried to its logical conclusion would have the effect

of reducing all to poverty rather than raising permanently the standard of the lower strata of society. It seems to have been forgotten that the right to acquire and possess property is also a human right second only to that of life and liberty.

It was proper for people to organize for their welfare, but to deny men the right to work unless they paid large sums of labor racketeers was tyranny in its worst form, which if continued will lend argument to those who seek to impose autocratic government, and will pull down the whole temple of industry on the workers themselves.

In normal times no one is required to work in any particular line of employment but organized strikes, on account of quarrels between groups of workmen or by reason of some supposed grievance trivial in nature, and which delay the production of defense materials vital to the salvation of the country, are a kind of treason differing only in degree from that of Benedict Arnold.

Business groups and Labor have both been selfish. To prove this one need only refer to the numerous bills which have been introduced in this Session of the Legislature. Read the list of demands upon us as they appear in the Histories of the House and Senate.

It would be refreshing to receive advice upon a bill before us which is not given by one advocating the passage or rejection of the bill because of some personal interest. It should be remembered that the test of a bill is not that it helps one group but that in thus aiding some, it does not hurt others with equal rights.

The foregoing are general observations as to problems which are before us. These problems require wisdom and patience and a due regard for the rights of others in order that they may be solved in proper manner.

If these problems are properly solved they will greatly assist in strengthening America for the demands of this emergency.

By their fortitude in sustaining the ordeal of fire from the skies, the British people have displayed a heroism which will inspire the world as long as the earth shall stand. But to resist the subtle forces which undermine the character and patriotism of a nation when the foe is far distant takes a sort of courage which is really more heroic, if less spectacular.

I, in no manner, speak for the State Council, but I feel each member of this Senate can play an important part in the program for the defense of the Country by his work in the various communities of his district. A bulletin issued by the State Council makes some suggestions as to how each person may help. I trust the members will read it. If they have other thoughts and ideas in this work I know the Director will gladly receive them. I hope all Senators will give this subject thoughtful consideration.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODWARD. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. WOODWARD. Mr. President, we always have with us certain Senators of an historical mind; I refer especially to Doctor Chapman, Senator Stiefel and Doctor Mundy—unfortunately Doctor Mundy is not pres-

ent but I see our distinguished ex-Senator Sipe in the chamber. I am very glad he is present.

The longest continuous performance in government was accomplished in Venice, by the Oligarchy, Council of Ten; that is a very interesting historic fact.

We are now approaching in this country government by a council of ten, in Washington, D. C. The council of ten includes Mr. and Mrs. Roosevelt. The president of the United States lost his temper when he called Colonel Lindbergh a copperhead—that was untactful.

The states of the union, of course, under war conditions—under the hysteria at least of war, have become pretty much forty-eight provinces and we do very much as we are told at Washington, D. C.

The criticism I am trying to advance is that our last estate might be worse than our first, if we give Leon Henderson, for instance, illegal power tax.

That is a very good example of what is going on and I therefore simply stand up to supplement the remarks of the gentleman from Somerset, Senator Ealy, our President Pro Tempore; not only supplement but to compliment it—with an “i”—compliment.

INTERROGATION OF THE CHAIR

Mr. MALLERY. Mr. President, I have a somewhat unusual request to make, and it is with fear and trepidation that I ask leave to interrogate the Lieutenant Governor of the Commonwealth.

The PRESIDENT. The gentleman from Blair may proceed.

Mr. MALLERY. Mr. President, I should like to inquire if it is true that the Lieutenant Governor of the Commonwealth has invited the Members of the Senate to a preview of the great York County Fair on Tuesday evening, May 27.

The PRESIDENT. I do not know that it is a preview. I think the people of York County will be able to demonstrate that, we know how to prepare food down there. The Fair itself has nothing to do with it; it is the President of the Senate, who is also the President of the Fair, and he has a lot more to say at the Fair than he has up here.

Mr. MALLERY. Mr. President, may I further interrogate the Lieutenant Governor.

The PRESIDENT. The gentleman from Blair may proceed.

Mr. MALLERY. Are all the Members of the Senate invited to this affair?

The PRESIDENT. Everyone.

Mr. MALLERY. Including the Senator from Blair, Mr. President.

The PRESIDENT. Oh, absolutely.

Mr. MALLERY. Then, Mr. President, I desire to call to your attention and to the attention of the Members of the Senate the fact that the Committee on Public Utilities has scheduled for the same evening a public hearing on municipal authorities, and I cannot conceive how that committee can compete with the Lieutenant Governor on that evening. Therefore, Mr. President, I ask unanimous consent to change the time of the meeting of the Committee on Public Utilities from Tuesday evening until Monday evening, May 26, at eight o'clock Eastern Standard Time.

The PRESIDENT. The Chair requests unanimous consent to second the motion.

It was agreed to.

STATEMENT BY THE CHAIR

The PRESIDENT. The Chair desires to make a statement. Possibly he has transgressed the rules and regulations of this body, but ever since he has been in the Chair he has tried to be fair. It has not made any difference to him what legislation has been before the Senate, whether it effected him, whether he was for or against it; he ruled as he saw fit, and that is what he did yesterday, and that is what he is going to do from now on. One of the Senators, after adjournment yesterday, in a public elevator said, "I burned up Sam Lewis this afternoon; I was right and he was wrong." If that Senator thinks he was right and the Chair was wrong, and he has authority to back it up, the Chair would suggest that he produce his authority and take an appeal from the ruling of the Chair. The Chair does not profess to know it all, but thinks he quoted authority which substantiated his ruling, and the Chair thinks it comes with poor grace for any Senator to make such a statement off the floor, if he has the authority to substantiate his remarks.

Mr. SHAPIRO. Mr. President, I am in thorough accord with your remarks, and since one of your rulings was against me, I want it thoroughly understood I am not the author of the remark to which you referred, and I have no appeal to take.

BILL INTRODUCED

Mr. TAYLOR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TAYLOR read in place and presented to the Chair Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

Which was committed to the Committee on State Government.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars.

Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising consolidating, and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational

grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view.

Senate Bill No. 447, entitled:

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; and repealing and lapsing certain appropriations.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate, signed the same.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 362, entitled:

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines, and providing for the issuance of limited mine foreman's certificate.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr.	Dent	Lanier.	Stevenson.
Bartlett,	DiSilvestro.	Letzler.	Stiefel.
Becker,	Ealy	Mallery.	Tailman.
Carr,	Edmonds,	McCreesh.	Taylor.
Cavalcante,	Farrell,	McGinnis.	Thomas.
Chapman,	Frey,	McQuiddy.	Tyler.
Coleman,	Geltz,	Mundy.	Wade.
Cox,	Haluska.	Ruth.	Walker.
Crider,	Heyburn.	Scarlett.	Wilson, H. I.,
Crowe,	Homsher,	Shapiro.	Woodward.
Deitrick,	Kephart.	Snowden.	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 122, as follows:

An Act to amend subsection (b) of and to add subsection (e) to section twenty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds, rights, powers, duties,

liabilities, accounts, discharges and removal of executors administrators, guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of nonresident and foreign fiduciaries the appointment bonds, rights, powers, duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" authorizing executors of a will with the approval of orphans' court to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public and to purchase real and personal estate of the decedent when sold at private sale.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsection (b) of section twenty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled as amended (July 2, 1937 P. L. 2755) "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors administrators, guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents' widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights, powers and liabilities of nonresident and foreign fiduciaries the appointment bonds, rights, powers, duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows:

(b) All powers to sell or let real estate on ground-rent contained in any will shall be deemed and taken to authorize sales conveyances or leases either public or

private unless expressly restricted by the said instrument to one or the other mode and even though the will shall direct that the real estate or personal estate be sold at public sale if the executors deem it to the best interest of the state of the decedent to sell the same at private sale they may with the approval of the orphans' court sell said real estate and personal estate or any part thereof at private sale under such terms and conditions and after such reasonable notice to legatees, heirs and other parties in interest as the said court may direct.

Section 2 Section twenty-eight of the said act is hereby amended by adding at the end thereof subsection (e) to read as follows:

(e) In all cases wherein testators shall have devised their real estate or their personal estate or any part thereof to their executor to be sold or shall have authorized or directed such executors to sell and convey such real estate or personal estate or shall have directed such real estate or personal estate to be sold without naming or declaring who shall sell the same if such real estate or personal estate is sold at private sale under the directions contained in said instrument or under the authority of this act the orphans' court having jurisdiction over such sale shall have the power to authorize and approve the sale of such real estate and personal estate or any part thereof to the executor of said will or any one of them under such terms and conditions and after such reasonable notice to legatees, heirs and other parties in interest as it may direct and where the purchaser is the sole executor the court may make an order directing its clerk to execute a deed for said real estate to such purchaser who shall give security and shall account for the amount of said purchase money in the settlement of his accounts to said court.

Section 3 This act shall become effective immediately upon final enactment and shall apply to the estates of testators whether dying prior or subsequent to such effective date.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr.	DiSilvestro.	Letzler.	Stevenson.
Bartlett.	Ealy	Mallery.	Stiefel.
Becker.	Edmonds.	McCreesh.	Tallman.
Carr.	Farrell.	McGinnis.	Taylor.
Cavalcante.	Frey.	McQuiddy.	Thomas.
Chapman.	Geltz.	Miller.	Tyler.
Crowe.	Haluska.	Ruth.	Wade.
Deltick.	Heyburn.	Scarlett.	Walker.
Coleman.	Homsher.	Shapiro.	Watkins.
Cox.	Kephart.	Snowden.	Wilson, H. I.,
Crider.	Lanius.		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on third reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127),

entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 207, as follows:

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating the employment suspension and retirement of professional employees.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Subsections (a) and (b) of section one thousand two hundred five of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 482) are hereby further amended to read as follows:

(a) The only valid causes for termination of a contract entered into with a professional employee in accordance with the provisions of this section shall be immorality, incompetency, intemperance, cruelty, persistent, negligence, mental derangement or persistent and willful violation of the school laws of this Commonwealth on the part of the professional employee.

In determining whether a professional employee shall be dismissed for incompetency the professional employee shall be rated by an approved rating system which shall give due consideration to personality preparation technique and pupil reaction in accordance with standards and regulations for such scoring as defined by rating cards to be prepared by the Department of Public Instruction immediately following the effective date of this act and to be revised from time to time by the Department of Public Instruction with the cooperation and advice of a committee appointed by the Superintendent of Public Instruction including representation from county and district superintendents of schools, classroom teachers, school directors, school supervisors and such other groups or interests as the Superintendent of Public Instruction may deem appropriate.

Nothing within the foregoing enumeration of causes however shall be interpreted to conflict with the retirement of professional employees upon proper evidence of disability or the election by professional employees to retire during aid period of voluntary retirement or the authority of the board of school directors (or the board of public education) to require professional employees to retire during said period of voluntary retirement or the compulsion on the part of professional employees to retire at the attainment of age seventy. Provided however, That from the effective date of this act until the first day of

July one thousand nine hundred forty-one boards of school directors (or boards of public education) may under the provisions of this section terminate the service of any professional employee who has attained to the age of sixty-eight from the first day of July one thousand nine hundred forty-one until the first day of July one thousand nine hundred forty-three any professional employee who has attained to the age of sixty-six from the first day of July one thousand nine hundred forty-three until the first day of July one thousand nine hundred forty-five any employee who has attained to the age of sixty-four on and after the first day of July one thousand nine hundred forty-five any professional employee who has attained to the age of sixty-two.

(b) Any board of school directors (or board of public education) may suspend the necessary number of professional employees for the following causes (1) Substantial decrease in pupil enrollment in the school district (2) curtailment or alteration of the educational program on recommendation of the superintendent concurred in by the board of school directors (or board of public education) approved by the Department of Public Instruction as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of Public Instruction (3) consolidation of schools whether within a single district through a merger of districts or as a result of joint board agreements when such consolidation makes it unnecessary to retain the full staff of professional employees.

Whenever a board of school directors (or board of public education) decreases the size of the staff of professional employees under the provisions of this act the suspensions to be made shall be determined by the county superintendent of schools or the district superintendent as the case may be on the basis of efficiency rank determined by rating made in accordance with standards and regulations determined by rating cards prepared by the Department of Public Instruction. It shall hereafter be the duty of boards of school directors to cause to be established a permanent record system containing ratings for each teacher employed within the district and copies of all ratings for the year shall be transmitted to the teacher upon his or her request or if any rating during the year is unsatisfactory a copy of same shall be transmitted to the teacher concerned. No teacher shall be dismissed under this act unless such rating records have been kept on file by the board of school directors.

In cases in which suspensions are to be made professional employees shall be retained on the basis of seniority right where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards hereinbefore referred to. Provided, That in cases in which suspensions are to be made during the school term immediately following the effective date of this act professional employees shall be retained on the basis of seniority rights.

No employee suspended as aforesaid shall be prevented from engaging in other occupation during the period of such suspension except that a suspended employee who accepts employment as a professional employee under contract with another school district in which the minimum salary prescribed by law is equal to or exceeds that of the district making the suspension shall thereby lose his or her status for reinstatement in the district in which suspended.

Such professional employees shall be reinstated in the inverse order of their suspension. No new appointment shall be made while professional employees who are properly certified to fill such vacancies and who have been suspended for a continuous period of less than five years are available.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	Ruth,	Wade,
Chapman,	Geltz,	Snowden,	Walker,
Crider,	Heyburn,	Stevenson,	Watkins,
Crowe,	Homsher,	Tallman,	Wilson, H. I.,
Deltrick,	Kephart,	Taylor,	Woodward,

NAYS—12

Cavalcante,	DiSilvestro,	Lanius,	McQuiddy,
Coleman,	Frey,	McCreesh,	Shapiro,
Cox,	Haluska,	McGinnis,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382), on third reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 303, as follows:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways is hereby authorized to cooperate with any Federal governmental agency in designing and installing modern systems of highway illumination on State highways

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deltrick,			

NAYS—1

Lanius,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 419, as follows:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Highways is hereby authorized to cause a reconnaissance survey to be made for a proposed State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks and the survey of said proposed State highway to begin at a point on Route 139 in the city of Harrisburg and thence extending in an easterly direction over Route 139 and Route 149 to the borough of Sinking Spring thence in a southeasterly direction over Route 06071 to the borough of Shillington thence in a southeasterly and easterly direction over Route 06079 through Grill thence over Route 06080 to a point of intersection with Route 147 just north of Ridgewood thence over a new location crossing the Schuylkill River approximately 0.5 of a mile below the Klapperthal Dam thence continuing in a northeasterly direction over a new location crossing Route 146 just east of Reiffton to a point on Route 06110 east of Jacksonwald thence over Route 06110 to Yellow House thence over Application 1031 to Earlville thence over a new location through Ironstone easterly to an intersection on the Berks-Montgomery County line on Route 284 just south of Little Oley from the intersection with Route 284 just south of Little Oley easterly chiefly over new location and skirting the southern side of the proposed Swamp Creek Reservoir crossing the Perkiomen Creek about 1.0 mile north of Schwenksville where it intersects Route 158 thence easterly over new location passing south of Harleysville and Hatfield thence crossing the Montgomery-Bucks County line passing south of Chalfont thence northeasterly skirting Doylestown on the south-east to a point of intersection with Route 155 1.0 miles east of Doylestown thence along Route 155 to New Hope on the Delaware River

Section 2 The cost of such survey shall be paid from moneys appropriated to the Department of Highways out of the Motor License Fund for the construction improvement and maintenance of State Highways

Section 3 This act shall become effective immediately upon approval by the Governor

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 451, as follows:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting taxation of bonds and securities of States their instrumentalities or political subdivisions and the income therefrom without the consent of the State

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby makes application to the Congress of the United States in accordance with the provisions of Article Five of the Constitution of the United States to call a Convention for proposing the following amendment to the Constitution of the United States

"Resolved by the Convention for proposing Amendments to the Constitution of the United States called by the Congress of the United States pursuant to application of the Legislatures of two-thirds of the several States That the following article is hereby proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States

"Article

"Section 1 Congress shall not levy any tax on the bonds or securities issued by any State or by any of its instrumentalities or political subdivisions or on the income therefrom without the consent of the State"

Section 2 The Secretary of the Commonwealth shall transmit certified copies of this resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States and to the President of the Senate and the Speaker of the House of Representatives of the Legislatures of each of the other forty-seven States of the United States

Section 3 The provisions of this resolution shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—39

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	McCreesh,	Wade,
Cavalcante,	Frey,	McQuiddy,	Walker,
Chapman,	Geltz,	Ruth,	Watkins,
Cox,	Haluska,	Snowden,	Wilson, H. I.,

Crider,	Heyburn,	Stevenson,	Woodward,
Crowe,	Homsher,	Stiefel,	Ziesenheim,
Deitrick,	Kephart,	Tallman,	

NAYS—3

Coleman,	McGinnis,	Shapiro,
----------	-----------	----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 465, as follows:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where any section of any State highway route which contains the terminus of an intersecting State highway route has been or shall be relocated in such a manner that the terminus of the intersecting State highway route does not fall within the limits of the relocated route the Secretary of Highways may lengthen or shorten such intersecting route so that its terminus falls within the limits of the relocated State highway route

Section 2 Whenever a section of road abandoned as a State highway route by the shortening of a State highway route as provided for by this act is in the opinion of the Secretary of Highways unnecessary for public use and travel the Secretary of Highways may vacate said abandoned section in accordance with present or future laws governing the vacation of abandoned State highways

Section 3 When any State highway route is lengthened under the provisions of this act and property is taken thereby the damages shall be ascertained and paid in accordance with present or future laws for the payment of damages in the construction of State highways

Section 4 This act shall take effect immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 491, on third reading, entitled:

An Act to protect property by making criminal certain

unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 496, (House Bill No. 609), as follows:

An Act to amend section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of historical societies to receive county appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 438 Qualification of Society In order to entitle any historical society to the said appropriation the following conditions shall have been first complied with it shall have been organized at least two years incorporated by the proper authority and have an active membership of one hundred or more persons each of whom shall have paid into the treasury of said society a membership fee of at least two dollars for the support of the same it shall hold at least two public meetings yearly whereat papers shall be read or discussions held on historic subjects it shall have established a museum wherein shall be deposited curios and other objects of interest relating to the history of the county or State and it shall have adopted a constitution and code of by-laws and elected proper officers to conduct its business

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Komsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of

Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; and further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board; and imposing penalties.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL NO. 522

Mr. HALUSKA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 522, passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "aye".

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

The motion was agreed to.

Sections from one to five of the bill inclusive were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend, page 6, line 15, by inserting a dark-face bracket before the word "or"; Amend, page 6, line 15, by removing the dark-face bracket before the article "a"; Amend, page 7, line 25, by inserting after the word "operators" and before the word "teachers" the following: "operators".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I desire to offer amendment.

The Clerk read the amendment as follows:

Amend, page 8, line 26, by inserting after the word "for" and before the word "operators" the following "junior"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections three, four and five were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, speaking on the amendments introduced by the gentleman from Cambria, Mr. Haluska, this has not been a very interesting session and I thought I might make it more interesting by asking the Senator from Cambria what he has against apprentices. My observation is that the apprentices are the most attractive people who are in these beauty parlors, and I do not see why they should be eliminated. I was invited to a dinner party, given by the Board of Education in Philadelphia. We had obtained an extra appropriation for them and they gave us a dinner in the Merle Dobbins Vocational School, and after dinner we were asked if we would like to see the printing establishment, and other departments, and the party seemed to take more interest in the beauty parlor than any other department, so we were taken there.

There were two beauty parlors, one for white women and one for black women. In the beauty parlor for white women, the women were having their hair curled and in the beauty parlor for the black women, they were having their hair uncurled or what is called unkinked.

In the Merle Dobbins Vocational School, these two beauty parlors were beautifully illuminated and the apprentices were working on these victims or beneficiaries, and they were apprentices.

Therefore, Mr. President, I cannot conscientiously support this bill, as I do not understand the Senator's reason for eliminating apprentices.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on third reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 401

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 401, entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "Administrative Code of 1929," appropriating to the Department of Military Affairs the proceeds of the sale of certain products, to be expended for the Indiantown Gap Military Reservation.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 401, entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929," appropriating to the Department of Military Affairs the proceeds of the sale of certain products, to be expended for the Indiantown Gap Military Reservation.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 655, on third reading, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled: "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. THOMAS. Mr. President, I move that further consideration of Senate Bill No. 705, (House Bill No. 897), on third reading, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 782, as follows:

An Act to further amend subsection (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations, companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to

award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejection proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" further providing for assessment of regulatory expenses upon public utilities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsections (a) (b) and (c) of section one thousand two hundred and one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies association and persons providing for the regulating of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejection proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as amended by section one of the act approved the twenty-eighth day of September one thousand nine hundred thirty-eight (P. L. 44) is hereby further amended to read as follows

Section 1201 Assessment of Regulatory Expenses Upon Public Utilities (a) Whenever the commission in the performance of its duties under this act shall conduct an investigation of the affairs of any public utility involving an examination of the records or facilities thereof such public utility shall pay to the commission a sum equal to the salaries paid to commission employees while engaged in such examination together with such traveling and subsistence expenses of said employees as may be directly attributable to such examination. Provided however That the amount so assessed against any public utility during any one calendar year shall not exceed one per centum of the gross intrastate operating revenues thereof during the next preceding calendar year. And provided further That whenever the commission shall conduct an investigation of the affairs of two or more utilities jointly the assessment under this subsection shall be prorated among such utilities upon the basis of their gross intrastate operating revenues.

(b) On or before March thirty-first of each year every public utility shall file with the commission a statement under oath showing its gross intrastate operating revenues for the preceding calendar year. Provided however That if any public utility shall fail to file such statement on or before March thirty-first as aforesaid the commission shall estimate such revenues which estimate shall be binding upon the public utility for the purposes of this section. Periodically the commission shall determine the aggregate of its expenditures less (1) amounts assessable under paragraph (a) hereof (2) expenditures for equipment furniture and machinery (3) the estimated cost of regulating municipal corporations furnishing public service and (4) the estimated cost of regulating contract carriers by motor vehicle. The remaining balance shall be so allocated to the groups of public utilities furnishing the various types of service that each group shall have allocated to it (1) an amount equal to the expenditures of the commission directly attributable to the regulation of that group and (2) an amount equal to such proportion of the expenditures of the commission not directly attributable to any group as the gross intrastate operating revenues of the group bear to the total gross intrastate operating revenues of all public utilities. Provided however That there shall be deducted from the allocations to each group an amount equal to the fees paid to the commission by the public utilities in such group under the provisions of sections twelve hundred two and twelve hundred three of this act. Every public utility shall then pay to the commission an amount equal to such proportion of the allocation to its group as the gross intrastate operating revenues of the public utility bear to the total gross intrastate operating revenues of the group.

(c) The commission shall give notice by registered mail to each person or corporation of the amount lawfully charged against him or it under the provisions of this section. Within fifteen days after receipt of such notice the party against which such assessment has been made may file with the commission objections setting out in detail the grounds upon which the objector regards such assessment to be excessive erroneous unlawful or invalid. The commission after notice to the objector shall hold a hearing upon such objections. After such hearing the commission shall record upon its minutes its findings on the objections and shall transmit to the objector by registered mail notice of the amount if any charged against him in accordance with such findings. Each person or corporation shall pay the amount of any such assessment to the commission within thirty days after receipt of notice of such assessment unless objections are filed thereto in which case such assessment shall be paid within ten days after receipt of notice of the findings of the commission with respect to such objections. If payment is not made as aforesaid the commission may suspend or revoke certificates of public convenience certify automobile registrations to the Secretary of Revenue for suspension or revocation or through the Department of Justice may institute an appropriate action at law for the amount lawfully assessed together with an additional cost incurred by the com-

mission or the Department of Justice by virtue of such failure to pay.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deltrick,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 787, on third reading, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon

persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator of employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 788, on third reading, entitled:

An Act to amend sections one and two of the act, approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 789, as follows:

An Act to amend section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring

and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" by expressly providing for administration of the Public Utility Law of June first one thousand nine hundred and thirty-seven (P. L. 1053) by the Public Utility Commission and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health

Section 1 Section eleven of the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 160) entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission defining in part the powers and duties of such commission abolishing The Public Service Commission of the Commonwealth of Pennsylvania terminating the terms of the members thereof and transferring to the Pennsylvania Public Utility Commission the records employes property and equipment of The Public Service Commission of the Commonwealth of Pennsylvania authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings legal or otherwise instituted before by or against The Public Service Commission of the Commonwealth of Pennsylvania providing that all certificates of public convenience contracts orders and rules and regulations of the latter commission shall remain effective until repealed changed or modified by the Pennsylvania Public Utility Commission and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania" is hereby amended to read as follows

Section 11 The Pennsylvania Public Utility Commission shall have the power and its duties shall be

(a) To administer and enforce the act approved the first day of June one thousand nine hundred thirty-seven (P. L. one thousand fifty-three) designated as the "Public Utility Law" as amended and supplemented or any law hereafter enacted for the regulation of public utilities

(b) To certify to the Department of Health any question of fact regarding the purity of water supplied to the public by any public service company or public utility over which it has jurisdiction when any such question arises in any controversy or other proceeding before it and upon the determination of such question by the Department of Health to incorporate the findings of the board thereon in its decision upon the controversy or other proceeding out of which the question arose

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Ealy,	Mallery,	Tallman,
Becker,	Edmonds,	McCreesh,	Taylor,
Carr,	Farrell,	McGinnis,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Ruth,	Wade,
Coleman,	Haluska,	Scarlett,	Walker,
Cox,	Heyburn,	Shapiro,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Detrick,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 807, as follows:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of state rights

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby makes application to the Congress of the United States in accordance with the provisions of Article Five of the Constitution of the United States to call a Convention for proposing the following amendment to the Constitution of the United States

"Resolved by the Convention for proposing Amendments to the Constitution of the United States called by the Congress of the United States pursuant to application of the Legislatures of two-thirds of the several States That the following article is hereby proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as a part of the Constitution when ratified by the Legislatures of three-fourths of the several States

"Article

"Section 1 All grants of public moneys to the several states or political subdivisions thereof shall be outright and without condition as to the public purpose for which they shall be used Congress shall not pass any law conditioning any grant of public moneys upon the passage of state laws or the matching of such grant or part thereof nor shall any federal agency impose any condition on any grant Congress shall not invade or encroach upon the powers and rights or regulate any subject reserved to the states or to the people by providing any state or the people thereof any rebate refund or payment by way of taxes or otherwise Any State through its proper officers may enforce this provision by injunctive process"

Section 2 The Secretary of the Commonwealth shall transmit certified copies of this resolution to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States and to the President of the Senate and the Speaker of the House of Representatives of the Legislatures of each of the other forty-seven States of the United States

Section 3 The provisions of this resolution shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McGinnis,	Tyler,
Chapman,	Geltz,	McQuiddy,	Wade,
Coleman,	Haluska,	Ruth,	Walker,
Cox,	Heyburn,	Scarlett,	Watkins,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,			

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

HOUSE RESOLUTION NO. 79 CALLED FROM THE TABLE

Mr. TALLMAN. Mr. President, I call up at this time House Resolution No. 79, which was laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was twice read as follows, considered, and agreed to:

DESIGNATING OCTOBER 11, 1941, AS "GENERAL PULASKI'S MEMORIAL DAY"

In the House of Representatives, April 5, 1941.

Whereas The 11th day of October 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski who died from wounds received on October 9, 1779 at the siege of Savannah Georgia and

Whereas The states of Arkansas California Connecticut Delaware Illinois Indiana Kentucky Louisiana Maryland Massachusetts Michigan Minnesota Missouri Nebraska New Hampshire New Jersey New York Nevada Ohio South Carolina Tennessee Texas West Virginia Wisconsin and other state of the Union through legislative enactment designated October 11th of each year as "General Pulaski's Memorial Day" and

Whereas It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11 1941 as "General Pulaski's Memorial Day" so the memory of this great man may be appropriately honored

SENATE RESOLUTION NO. 49 CALLED FROM THE TABLE

Mr. MALLERY. Mr. President, I now call up at this time, Senate Resolution No. 49, which was laid on the table.

Mr. WOODWARD. Mr. President, I second the motion. The motion was agreed to.

The Resolution was twice read as follows:

MEMORIALIZING VETERANS' ADMINISTRATION OF UNITED STATES AND FEDERAL BOARD OF HOSPITALIZATION TO ERECT HOSPITAL IN PENNSYLVANIA TO CARE FOR DISABLED WAR VETERANS

In the Senate, May 7, 1941.

The present facilities of the Federal hospitals within the Commonwealth are becoming inadequate to properly care for the veterans in need of hospitalization and medical care.

As this need increases the facilities will become less adequate and those who made the great sacrifice for the Nation will be denied the care and attention they so richly deserve.

An additional veterans' hospital is now needed in Pennsylvania to properly care for the veterans within its borders now requiring skilled medical care and attention.

Any new hospital erected for this purpose should be located in a section of the State not now having such facilities and at a place where the inmates would have the benefit of elevation and the quietness that distance from built-up communities affords; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania hereby memorializes the Veterans' Administration of the United States and the Federal Board of Hospitalization to locate as quickly as possible a hospital in central Pennsylvania to take care of sick and disabled war veterans; and be it further

Resolved, That copies of this resolution be sent to Veterans' Administration, Federal Board of Hospitalization and representatives in Congress from this Commonwealth.

On the question,

Will the Senate agree to the Resolution?

PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President I rise on a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Philadelphia will state his point of parliamentary inquiry.

Mr. SHAPIRO. According to the history, Mr. President, this resolution is reposing in the Committee on Military Affairs.

Mr. MALLERY. It was reported out this afternoon, Mr. President.

Mr. SHAPIRO. It is then being called up from the table?

Mr. MALLERY. That is right, Mr. President.

Mr. COLEMAN. Mr. President, I have no objection to immediate consideration of the resolution. I understand that this resolution was referred to committee and reported out, precluding the necessity for immediate consideration. Am I correct, Mr. President?

The PRESIDENT. The gentleman is correct.

Mr. COLEMAN. So that immediate consideration is not necessary, and the resolution is now before the Senate for action?

The PRESIDENT. That is right.

Mr. COLEMAN. For some time past, at least within the last six or seven years, there has been a great demand for hospitalization for disabled veterans in the Commonwealth of Pennsylvania.

Some weeks ago, I noticed that the men in Philadelphia, civic and business men, as well as political leaders of Philadelphia, adopted a resolution asking that the Veteran's Administration in Washington locate within a limited number of miles from Philadelphia a Veterans Hospital, and at that time, Mr. President, I made the statement that I thought the hospital ought to be located in the Mt. Pocono area, one of the most beautiful sections in the State of Pennsylvania, and the type of neighborhood that affords to disabled veterans pure air and a plentiful supply of sparkling pure water, in contrast to the water in Philadelphia that my good friend, the Minority Floor Leader, Senator Shapiro, so aptly characterized as being a chlorine cocktail.

Mr. President, I am opposed to the passage of this resolution and I ask my friends on the Democratic side, and I know that my good friend from Monroe, Senator Crowe, who lives in the Mt. Pocono region and represents that region very ably, incidently, in the Senate of Pennsylvania, will support me in my contention that there is no place in the Commonwealth more conducive to the speedy recovery of veterans who are suffering from tuberculosis than is the area found within the Mt. Pocono region of the State of Pennsylvania.

I do not like to get into a controversy with my good friend, Senator Mallery, with whom I serve on the local

government commission, but this is one thing in which we are in complete disagreement.

I think my belief is shared by the people of northeastern Pennsylvania that if there is to be a hospital located in the State of Pennsylvania, there is no better location than in the Mt. Pocono region, where people come from all over, not only the State of Pennsylvania but surrounding states, to breathe in God's pure air and to absorb the warmth of God's sunshine.

Therefore, Mr. President, I ask my colleagues to join with me in opposing the adoption of this resolution.

Mr. WALKER. Mr. President, I can remember some time ago when I was deeply immersed in trying to get a bridge for a county, we got into a terrible controversy over where to build the bridge, and the result was we still do not have a bridge.

For about twenty years I have been deeply interested in war veterans' activities, and I have been involved in an attempt to get hospitals in Pennsylvania, and I can appreciate the difficulty of getting the Federal Government or the Veteran's Administration to determine, first, that a new hospital is necessary in the Commonwealth, and then where it should be built, and then we try to get the money appropriated so we can get the hospital built and finished in order to take care of the veterans.

Mr. President, one of the worst things that can happen to this resolution would be to have the people of Pennsylvania get into a territorial fight as to who shall win the hospital. I am not going to quarrel with the health facilities of the Pocono region and specially in Lackawanna County, which is so ably represented here on the floor of the Senate, but I do not want to agree to the belittling of central Pennsylvania, because the people up there are fairly healthy. From out of central Pennsylvania, and especially out in the center counties of Pennsylvania, come healthy groups of boys that engage in what is commonly called the game of football; they have had proud ranking in the Commonwealth for years, and if the Pocono region is half as healthy as all that, now that the hot weather is descending upon us, it would be a good idea perhaps, for the Senator from the Poconos to introduce a resolution adjourning the session of the Legislature up there, where we can all get the benefit of that healthy good air and sunshine.

I would suggest to the gentleman from Lackawanna that he remember the main purpose of this resolution is to get the Veteran's Administration to bring a hospital into Pennsylvania. We have a hospital in western Pennsylvania, and they have a hospital in eastern Pennsylvania, and the object of this resolution is to centralize a hospital in the central portion of Pennsylvania. Now, I think if he will examine this resolution very carefully he will find there is no specific county designated. It says, "Central Pennsylvania" and that covers a lot of counties and a lot of areas, and they are just as healthy and health giving as anything in the Poconos, and I would suggest to the gentleman from Lackawanna that he is seriously endangering this resolution and that his overwhelming enthusiasm and civic pride is overcoming his better judgment.

We are serious in our desire to have this hospital, the veterans need it, realized and I suggest we should get the Veteran's Administration to approve the hospital, and once we get the money appropriated for it, then I would be very happy to let anybody in Pennsylvania decide where

it will be built, because it has been my observation that the Veterans' Administration will put it where it will do the veterans the most good.

Mr. HALUSKA. Mr. President, as was so ably stated by my colleague from Lackawanna, Senator Coleman, we do have a veterans hospital in the western part of the state and one in the eastern part of the state. Now, Mr. President, my good friend and colleague from Lackawanna, Senator Coleman, tells us about a beautiful place up in the Poconos.

I would like to have him come to Cambria County and see one of the greatest spots in this great nation, where the late Charles M. Schwab had an estate, and I shall say earnestly and frankly I shall do all within my power to have this hospital located in Loretta in Cambria County where Charles M. Schwab had a residence.

I think if my colleague from Lackawanna, Senator Coleman, would come up to Cambria County and look over this site I am quite certain he would agree with me the Poconos would take second place.

Mr. RUTH. Mr. President, I am going to vote for this resolution, but there is one word in it I do not agree with, the word "central," because in Berks County we have health resorts where for many years people have come from all over the nation, and today they are so healthy that we do not need those resorts, and the Veteran's Administration is contemplating using them for their Veterans' Hospital, and so, while I intend to vote for the resolution, I do not like the word "central" in there; I think it should just be "Pennsylvania."

Mr. COLEMAN. Mr. President, lest the fifty members of the Senate of Pennsylvania get into an argument about the merits of the respective localities they represent in this august body, I think we ought to heed the admonition of my good friend from Berks, and delete the word "Central."

As I read the resolution, the deletion of the word "central" will end the controversy and the resolution will then impress itself upon the Veteran's Administration that we are anxious and desirous of having a hospital located in the State of Pennsylvania, and rather than get into a quarrel over the location, I suggest that we eliminate the word "central", and then I think the resolution will be in a form that everybody in the Senate of Pennsylvania can vote for it. After all, if the hospital is to be built, and we are definitely certain there will be only one, rather than have the Senate get into a quarrel over its location—it is still a dream of the future that we hope will be brought to realization—I think the gentleman from Blair, Mr. Mallery, ought to be willing to eliminate the word "central", and then I am definitely certain there will be a unanimity of agreement on the part of the membership of the Senate upon the passage of this resolution.

Mr. MALLERY. Mr. President, I am sorry I cannot acquiesce in the request of the gentleman from Lackawanna, because of the fact, as was stated by the gentleman from Allegheny, Senator Walker, there are now veterans' hospitals located, one in the eastern part of the state and two in the western part of the state.

Now, Mr. President, everyone knows that I am from Blair County, and as capably as I can, I will look after the interests of Blair County. However, Mr. President, I am not appealing on the floor here that the Veterans' Hospital be located in Blair County.

I had not intended to speak on this resolution at all,

but I do object to any change in the resolution, because the Central part of Pennsylvania, as the gentleman from Allegheny, Senator Walker, stated, takes in an awful lot of territory.

Mr. LETZLER. Mr. President, pride in the counties that I represent prompts me to say that we too have fine locations in Clearfield and Center Counties for a hospital of this type and I particularly am attracted by this wording in the resolution which says any new hospital erected for this purpose shall be located in a section of the state not now having such facilities.

Mr. President, we in the central part of the state know very well we do not have those facilities there and we need them very, very badly.

I do not want to say, Mr. President, that we should not put this hospital where the Veterans Administration feels it should be placed, and I have no quarrel with the gentleman from Lackawanna, Mr. Coleman, in setting forth the advantageous location of the Pocono Mountains—I have no doubt that is a very fine place, but we have mountains and sunshine in Clearfield and Centre Counties, we have fine water in Clearfield and Centre Counties, we have all the advantages a hospital of this kind would need, and we have invited this administration to look over a great many of these locations, and they have viewed them and we feel we have some advantages to offer.

Mr. WOODWARD. The most central part of Pennsylvania, Mr. President at least from a historical aspect, is Philadelphia. I am already in negotiation with the authorities at Washington for the purchase of a piece of land, which belongs to me, in the highest ground of Philadelphia, and while they have been arguing about the Poconos and so forth, I have been making some real progress.

In the event of failure of my offer on a historical basis to interest the veterans who have a lot of leisure time, as we know, might I suggest as a compromise that we take over the Executive Mansion as a hospital for the veterans.

Mr. CAVALCANTE. Mr. President, I do not quite agree with my colleague from Philadelphia, Dr. Woodward. I think if we want to compromise on this proposition, since the Governor of this Commonwealth will not give his consent to open up the big sanatorium in Butler County, and the gentleman who represented that county in the past term is sitting in this august body now, I would recommend that we take that building over and make it a hospital site. It is already there and we will not have to spend any more money.

Mr. CARR. Mr. President, I was standing here awaiting the opportunity to say just what Brother Cavalcante has said.

We have a tuberculosis sanatorium in Butler County, and while it is only forty miles from another veterans' hospital, it does not seem it will be used for anything else, and perhaps we could persuade the Federal Government to take it off the hands of the General State Authority.

ANNOUNCEMENT OF CONFERENCE, PENNSYLVANIA CONFERENCE ON INDUSTRIAL PRODUCTION FOR NATIONAL DEFENSE

The PRESIDENT. The Chair lays before the Senate a communication which the Clerk will read.

The communication was read by the Clerk as follows:

Commonwealth of Pennsylvania,
Department of Commerce, Harrisburg.

The Pennsylvania Conference on Industrial Production for National Defense will be held Thursday, May 22nd, in the Forum of the Education Building in Harrisburg. The Conference will start at 11:00 a.m. (Daylight Saving Time) and will be under the auspices of the State Department of Commerce.

Prominent speakers including Governor James and representatives of the Office of Production Management in Washington, will address the Conference.

Members of the Senate are invited to attend.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 454, (House Bill No. 107), on second reading, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing law relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BARTLETT. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, subsection (c), page 3, lines 2 through 13 inclusive, by striking out all of said lines and inserting in lieu thereof the following:

(c) The Department of Public Assistance shall have power and authority

(1) To make and enforce effective rules and regulations to insure the names and lists of applicants and recipients or persons applying for or receiving assistance of any type covered by the Public Assistance provision of the Federal Social Security Act against improper publication

(2) To restrict the use of such information furnished other officials departments or persons to purposes connected with the administration of Public Assistance

(3) To make and enforce effective rules and regulations to afford adequate protection to the rights and interests of persons with respect to whom personal or confidential information is in its possession

(d) Any person who uses or who participates in the use of such information whether lawfully or unlawfully obtained in violation of the rules and regulations of

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555 on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 614, (House Bill No. 1126), entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Common-

wealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

The first section was read.

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 1, page 3, lines 11, 12, 13 and 14, by striking out all of said lines.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. HOMSHER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend title, page 2, lines 9 and 10 of title, by striking out the following: "and removing."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 724, on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 740 on second reading, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. HOMSHER. Mr. President, I move that Senate Bill No. 784, on second reading, entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and person receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeal to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provision of said act.

be recommitted to the Committee on Banking for the purpose of further study.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL NO. 454 CALLED UP

Mr. WALKER. Mr. President, I now call up Senate Bill No. 454, House Bill No. 107, on Page 13 of the Calendar, which went over in its order.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 454, (House Bill No. 107, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth, providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 1, page 4, line 3, by striking out after the word "Highways" and before the word "im-" the word [shall] and inserting in lieu thereof the word "may".

On the question,

Will the Senate agree to amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 454, (House Bill No. 107), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 8, on first reading, entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the formation of a State Association of County Treasurers and imposing certain expenses on counties

be recommitted to the Committee on Public Health.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 54, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 55, entitled:

An Act to add clause twenty-two to section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 213, entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 387, entitled:

An Act to further amend clause (8) of subsection A of section one thousand two hundred eight and section one thousand two hundred nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and

for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporations, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further changing provisions relating to authorized investments of savings banks not under special charter and special charter savings banks.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 618, entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing licenses and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 619, entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State gov-

ernment, courts, and district attorneys; authorizing the establishment and operations of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees; and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 658, (House Bill No. 510), entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by changing the method whereby future referendums be initiated and held.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 748, (House Bill No. 218), entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, limesulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

And said bill having been read at length the first time,
Ordered, To be transcribed for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 776, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 893, entitled:

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 8), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," making the said information available to county institution districts and city departments of welfare.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 838, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, the site of Fort Zeller in Lebanon County and land adjacent thereto, as a recreational spot for the people of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 839, entitled:

An Act to further amend Section 7 of the act, approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale, or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or installment plan, or of assuming fixed obligations, or issuing, in connection therewith, a contract based on payments being made upon installments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties," requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 843, entitled:

An Act to further amend section two hundred nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further prescribing the compensation of the Lieutenant Governor of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 913, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART read in place and presented to the Chair Senate Bill No. 999, entitled:

An Act to amend an act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; providing procedure," as amended, by further defining the liability of certain relatives for the support of indigent persons and authorizing execution against certain property in certain cases.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

SENATE BILL No. 454 (HOUSE BILL No. 107) CALLED UP

Mr. WALKER. Mr. President, I now call up Senate Bill No. 454, (House Bill No. 107), page 13 of the Calendar, which went over in its order.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 454, (House Bill No. 107), entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth, providing the procedure therefor providing for the reinbursement of the Commonwealth from tolls and charges and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired.

The first section was read and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend title, page 1, line 9, by inserting after the word "that" and before the word "such" the words "certain of"; amend title, page 1, line 10, by striking out after the word "Highways" the word "[shall]" and inserting in lieu thereof the word: "may".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Mr. WALKER. Mr. President, might I say for the information of the Senate these amendments are merely to the title, to make it read "may" instead of "shall," as it appears in the body of the bill.

REPORTS FROM COMMITTEES

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Public Health, reported as committed, Senate Bill No. 731, (House Bill No. 960), entitled:

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Judiciary General, reported as committed, Senate Bill No. 757, (House Bill No. 717), entitled:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, May 22, 1941, at 11:30 o'clock a. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:05 o'clock p. m., Eastern Standard Time until Thursday, May 22, 1941, at 11:30 o'clock a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 21, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

O God, in whose sight we live, and by whose holiness we are judged, we confess unto Thee our false standards of value. So often we are careful about outward things, but neglect inward things. So often we are concerned about outward appearance, and yet Thy Word tells us that Thou lookest upon the heart. Graciously restore unto us our vision, so that we may see aright the things which are truly worthwhile. Help us, we pray Thee, to earnestly seek the better things, the things that are true, and lovely and of good report. Guide us this day, and help us to build our lives upon the foundation that cannot fail. In Jesus' name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. PETROSKY, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BENTLEY. HOUSE BILL No. 1657.

An Act to amend sections one and four of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes," by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose; and further providing that said short term notes may be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose.

Referred to the Committee on Cities—Second Class.

By Mr. BENTLEY. HOUSE BILL No. 1658.

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by further regulating the manner of letting contracts relating to city affairs.

Referred to the Committee on Cities—Second Class.

By Mr. FRENCH. HOUSE BILL No. 1659.

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

Referred to the Committee on Appropriations.

By Messrs. GERARD and WINNER. HOUSE BILL No. 1660.

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An

act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officer of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for state purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

Referred to the Committee on State Government.

By Messrs. ACHTERMAN and WOODSIDE. HOUSE BILL No. 1661.

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred and thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Referred to the Committee on State Government.

By Mr. READINGER. HOUSE BILL No. 1662.

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

Referred to the Committee on State Government.

By Mr. LOVETT. HOUSE BILL No. 1663.

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

Referred to the Committee on Appropriations.

By Mr. MORAN.

HOUSE BILL No. 1664.

An Act to further amend sections three hundred two, three hundred three and three hundred four of the act approved the eleventh day of July, one thousand nine hundred and twenty-three (P. L. 998), entitled "An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptic governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties," by further regulating admission or commitment of any mental patient to hospitals or institutions for such mental patients.

Referred to the Committee on Judiciary General.

By Mr. CORRIGAN.

HOUSE BILL No. 1665.

An Act to amend section six hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

Referred to the Committee on Judiciary General.

By Messrs. LEISEY and GYGER.

HOUSE BILL No. 1666.

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for township planning, and the creation, organization, and powers of township planning commissions.

Referred to the Committee on Townships.

By Messrs. LEISEY and GYGER.

HOUSE BILL No. 1667.

An Act to add section ten to the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2624), entitled "An act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location, construction, and use of buildings, the size of courts and open spaces, the density of population, and the use of land," providing for the employment of personnel and the payment of expenses.

Referred to the Committee on Townships.

By Mr. RHEA.

HOUSE BILL No. 1668.

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

Referred to the Committee on State Government.

By Mr. RILEY.

HOUSE BILL No. 1669.

An Act to further amend the first paragraph of section eleven of the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control work and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," requiring claimants in eminent domain proceedings to give bond for costs before viewers may be appointed.

Referred to the Committee on State Government.

By Mr. BENTZEL.

HOUSE BILL No. 1670.

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

Referred to the Committee on Cities—Third Class.

By Messrs. O'NEILL and HARKINS.

HOUSE BILL No. 1671.

An Act to further amend subdivisions seven and nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," fixing the minimum annual salary and increments of members of the teaching and supervisory staff in school districts of the fourth class; increasing the percentage of state-aid for all districts; and providing additional state-aid through an equalization fund created by this act to be maintained from state appropriations.

Referred to the Committee on Education.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 572.

(HOUSE BILL No. 1672).

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Referred to the Committee on Judiciary General.

SENATE BILL No. 592.

(HOUSE BILL No. 1673).

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act pro-

viding for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

Referred to the Committee on State Government.

SENATE BILL No. 374. (HOUSE BILL No. 1674).

An Act to provide for the settlement of disputes among estates with respect to domiciliary death taxes, and imposing certain duties upon the Department of Revenue, the Attorney General and executors and administrators.

Referred to the Committee on Ways and Means.

SENATE BILL No. 566. (HOUSE BILL No. 1675).

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates: including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions thereof; and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees; reports and other proceedings, and the fees thereof; appeals in certain cases; and, also, generally dealing with the jurisdiction powers, and proceedings of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges on real estate.

Referred to the Committee on Judiciary General.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. POLASKI and KOMOROWSKI.
(Concurrent) RESOLUTION No. 95.

In the House of Representatives, May 20, 1941.

Whereas, The Polish Army Veterans' Association of America is an organization composed of veterans of the Polish Army, who enlisted as volunteers in 1917 and 1918, from the United States, for service with the Polish forces in France and in Poland; and

Whereas, By special permission of the State and War Departments, and by proclamation of President Woodrow Wilson, the Polish Military Commission was authorized to recruit from among the Poles in the United States Volunteers for the army, after this country entered as a participant in the World War on the side of the Allies; and

Whereas, In addition to the 250,000 soldiers of Polish extraction, who served in the AEF, the Poles contributed some 27,000 volunteers for service with the Polish Army in France who trained at Niagara-on-the-Lake, Ontario, at Fort Niagara, N. Y.; and

Whereas, Ninety per cent, of these men saw service in

France in 1918 and later in Poland in 1919 and 1920, and upon termination of hostilities between Poland and Soviet Russia, they were returned to the United States, under an agreement between this country and Poland; and

Whereas, In May 1921, the Polish Army Veterans' Association of America was formed in Cleveland, Ohio, for the sole purpose of aiding the physically disabled and otherwise incapacitated veterans; and

Whereas, The task that lay before the founders and succeeding leaders of the organization was tremendous, in as much as neither the American nor the Polish governments felt any responsibility for the care of these unfortunates, for purely technical reasons; and

Whereas, With each succeeding year, the need for aid for these disabled veterans has grown; and

Whereas, This association has found a method of raising funds by adopting the corn flower as its official flower, and selling it on the highways in a manner similar to that in which poppies are now sold; be it therefore

Resolved (if the Senate concur), That the Governor be requested to issue a proclamation setting aside May 3, 1942, and May 3rd of all succeeding years, as "Corn Flower Day," so that the corn flower may be sold by the Polish Army Veterans' Association of America, and the proceeds of such sales applied to the maintenance and upkeep of disabled Polish war veterans.

Referred to the Committee on Rules.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 19, 1941.

Resolved (if the Senate concur), That House Bill No. 610, Printers No. 503, entitled "An act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' changing the qualifications of historical societies to receive appropriations," be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1228.

An Act to amend sections three and four of the act, approved the fifth day of June, one thousand nine hundred thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," exempting the sale of books to libraries from the provisions of said act.

HOUSE BILL No. 1373.

An Act to amend part of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of 1939 page 60) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending

May thirty-first one thousand nine hundred and thirty-nine' by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon Mr. Jacob A. Elpern, a former member from Westmoreland County, and Mr. Frank R. Bernhard a former member from Carbon County.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Woodside for Mr. TURNER for the remainder of the week.

Mr. BOORSE for himself for the remainder of the week.

Mr. GILLETTE for himself for tomorrow's session.

Mr. HALL for himself for today's session.

Mr. FLEMING for himself for tomorrow's session.

Mr. Hamilton for Mr. NAGEL for the remainder of the week.

Mr. WATKINS for himself for tomorrow's session.

Mr. CADWALADER for himself for tomorrow's session.

Mr. HARMUTH for himself for tomorrow's session.

Mr. VOLDOW for himself for tomorrow's session.

Mr. HIRSCH for himself for tomorrow's session.

The SPEAKER for Mr. BRETH for the remainder of the week.

Mr. ECKELS for himself for tomorrow's session.

Mr. LYONS for himself and Mr. SIMONS for the remainder of the week.

Mr. STANK for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1597, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

Mr. WOLF, from the Committee on Education, reported as committed, House Bill No. 1437, entitled:

An Act to further amend section one thousand four hundred and thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue

to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further providing for home and school visitors, and attendance officers, and for their compensation.

Mr. WEISS, from the Committee on Education, reported as committed, House Bill No. 706, entitled:

An Act authorizing and empowering school districts to furnish food including milk, free, to needy school children in their districts; providing for payment of the cost thereof; permitting cooperation with public and private agencies for such purposes; imposing duties on the Superintendent of and the Department of Public Instruction; making an appropriation, and providing procedure for the apportionment thereof to such school districts.

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1493, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employees; employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time or war or contemplated war; prohibiting the removal from their offices or employments or such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1494, entitled:

A supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled, "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof, establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties."

Mr. WEISS, from the Committee on State Government, reported as committed, House Bill No. 1495, entitled:

A supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guaranty by the Commonwealth of certain of said funds; pro-

viding for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

Mr. PETROSKY, from the Committee on Education, reported as committed, House Bill No. 1586, entitled:

An Act to further amend and reenact clauses one, two, three, and four of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries and increments required to be paid certain employes in school districts of the first class by establishing a minimum salary schedule and increments for school secretaries, school nurses, attendance officers, special class teachers, vocational school teachers, and heads of departments in high schools in school districts of the first class.

Mr. O'NEILL, from the Committee on Liquor Control, reported as committed, House Bill No. 1630, entitled:

An Act to further amend clause (b) of section two hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth.

Mr. FINNERTY, from the Committee on Professional Licensure, reported as committed, House Bill No. 637, entitled:

An act for safeguarding persons and property, and promoting the welfare of the public; creating an electrical administrative board of the Commonwealth of Pennsylvania, and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installation; providing for State-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act; and prescribing their qualifications, duties, rights and authority; making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms, or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a license except as otherwise provided; providing penalties for the

violation of this act, and repealing all statutes and parts of statutes in conflict with this act.

Mr. MONKS, from the Committee on Military Affairs, reported as committed, House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animal upon the highway of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing, the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by including therein military police and certain other persons in the armed service of the United States.

Mr. POLEN, from the Committee on Education, reported as committed, House Bill No. 1423, entitled:

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the service allowance of certain employes.

Mr. TARR, from the Committee on Education, reported as committed, House Bill No. 94, entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors, or other employees.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school un-

adjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 1331, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

Mr. McDERMOTT, from the Committee on Liquor Control, reported as committed, House Bill No. 1505, entitled:

An Act to further amend sections four hundred eleven and six hundred ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeitures of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," permitting hotel and restaurant licensees to sell by the bottle at certain times for consumption off the premises; regulating such sales; and changing penalties.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 472, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Mr. MATTHEW J. WELSH, from the Committee on Appropriations, reported as committed, House Bill No. 300, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

Mr. BENTZEL, from the Committee on Education, reported as committed, House Bill No. 1116, entitled:

An Act to further amend clause two of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by specifically prescribing minimum annual salaries and increments for vocational school teachers in school districts of the first class.

Mr. LEONARD, from the Committee on Labor, reported as committed, House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven, (P. L. 1168) entitled "An act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employees to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employees be the exclusive representative of all the employees; authorizing the board to conduct hearings and elections, and certify as to representative of employees for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor dispute" the rights of employers and certain unfair labor practices by employers and employees; further changing the provision for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board; further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

Mr. BONEY, from the Committee on Ways and Means, reported as committed, House Bill No. 820, entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

Mr. SARRAF, from the Committee on Professional Licensure, reported as committed, House Bill No. 876, entitled:

An Act to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cess-pools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof" by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses.

Mr. KEENAN, from the Committee on Appropriations, reported as committed, House Bill No. 1100, entitled:

An Act to further amend section 713 and to amend sec-

tion 724 of the act approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 905) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," increasing the fee for an operator's license and providing for the payment of the increase into the general fund.

Mr. KEENAN, from the Committee on Appropriations, reported as committed, House Bill No. 1099, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care, treatment and maintenance of indigent persons without ability or means to support themselves, injured in motor vehicle accidents; imposing powers and duties upon certain State Departments; and making an appropriation.

Mr. LONGO, from the Committee on Counties, reported as committed, House Bill No. 1195, entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

Mr. GILLAN, from the Committee on Education, reported as committed, House Bill No. 1461, entitled:

An Act to further amend subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the retirement of professional employees.

Mr. VAN ALLSBURG, from the Committee on Education, reported as committed, House Bill No. 1380, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain said funds imposing powers and duties upon boards having the employment of public school employees

exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1611, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owner.

Mr. SOLLENBERGER, from the Committee on Education, reported as committed, House Bill No. 848, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class.

Mr. WATKINS, from the Committee on Education, reported as committed, House Bill No. 495, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

Mr. GOODWIN, from the Committee on Counties, reported as committed, House Bill No. 1283, entitled:

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds transferring all their right, title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

Mr. MALLOY, from the Committee on State Government, reported as committed, House Bill No. 1508, (Senate Bill No. 645) entitled:

An Act to reenact and further amend the title and the act, approved the first day of June (one thousand nine hundred and thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support

for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 1605, (Senate Bill No. 32), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio; or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1551, (Senate Bill No. 551), entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1552, (Senate Bill No. 552), entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. O'NEILL, from the Committee on Appropriations, reported as amended, House Bill No. 267, entitled:

An act making an appropriation to aid certain school districts.

Mr. FINNERTY, from the Committee on Appropriations, reported as amended, House Bill No. 571, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred and forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor, the Auditor General, and the State Treasurer or the majority thereof.

Mr. LESKO, from the Committee on State Government, reported as amended, House Bill No. 1429, entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office, and declaring such offices vacant.

Mr. McINTOSH, from the Committee on Judiciary General, reported as amended, House Bill No. 1572, entitled:

An Act to amend the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages" as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgages, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

Mr. READINGER, from the Committee on Appropriations, reported as amended, House Bill No. 573, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

Mr. BONEY, from the Committee on Education, reported as amended, House Bill No. 1375, entitled:

An Act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

Mr. CADWALADER, from the Committee on Counties, reported as amended, House Bill No. 957, entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties, extending and further regulating such retirement systems.

Mr. EARLY, from the Committee on Counties, reported as amended, House Bill No. 1604 (Senate Bill No. 352), entitled:

An Act providing for the creation, maintenance and operation of a county employes retirement system in counties of the fifth class; imposing certain charges on counties, and prescribing penalties.

Mr. THOMAS H. LEE, from the Committee on Professional Licensure, re-reported as amended, House Bill No. 678, entitled:

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing the license fees; providing for the revocation of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry, and conferring powers and imposing duties thereon; providing penalties and making an appropriation.

Mr. STANK, from the Committee on Liquor Control, re-reported as amended, House Bill No. 811, entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, re-use, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages, also declaring certain places nuisances and providing for their abatement also providing for penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

Mr. STANK, from the Committee on Liquor Control, re-reported as amended, House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the

premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines, as herein defined.

Mr. STANK, from the Committee on Liquor Control, re-reported as amended, House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages; as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license.

Mr. BOIES, from the Committee on Ways and Means, re-reported, as committed, House Bill No. 231, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Mr. BOIES, from the Committee on Ways and Means, re-reported as committed, House Bill No. 233, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies,"

by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Mr. BOIES, from the Committee on Ways and Means, re-reported as amended, House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. MELCHIORRE, from the Committee on Appropriations, re-reported as amended, House Bill No. 1418, entitled:

An Act making an appropriation to the Department of Welfare, for the maintenance of certain homes.

Mr. STANK, from the Committee on Appropriations, re-reported as amended, House Bill No. 1419, entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

Mr. ELLWOOD B. WELSH, from the Committee on Education, reported as committed, House Bill No. 460, entitled:

An Act converting the State teachers' colleges and the Cheyney Training School for Teachers into advanced technical and trade schools to be known as "Pennsylvania State Trade School Defense Training Centers," to train men for defense work; providing for admissions to and regulation of such schools and alteration and equipment of buildings therefor; and conferring powers and imposing duties on certain State departments and agencies.

Mr. McFALL, from the Committee on Labor, reported as amended, House Bill No. 771, entitled:

An Act to amend subsection (d) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (1937 P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act, in certain cases.

Mr. OWENS, from the Committee on Labor, re-reported as amended, House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain

exceptions) selected on a civil service basis, requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination and collection of such contributions; and the payment of such compensation providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer and prescribing penalties" by further defining "contributions" to be paid by certain employees; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the powers of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

Mr. SCANLON, from the Committee on Professional Licensure, reported as committed, House Bill No. 1096, entitled:

An Act to regulate the practice of general contracting in Pennsylvania; to establish a State Registration Board for Contractors, and to define its powers and duties; to provide the method of obtaining a certificate of registration to engage in the practice of general contracting, and to fix fees for such certificates; to dispose of the moneys raised; to provide the method of suspension and cancellation of such certificate of registration; and to prescribe the punishment for violation of the provisions of this act.

Mr. SCANLON, from the Committee on Education, reported as amended, House Bill No. 1191, entitled:

An Act to further amend clause one of section three of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further extending the time for present employees, as defined in the act, to elect to be covered by the retirement system, and providing for payments by and to the funds in such cases.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 610, Printer's No. 503, for the purpose of amendment.

Accordingly the original bill is herewith returned.

ARTHUR H. JAMES

RECONSIDERATION OF VOTE

Mr. WEINGARTNER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. FISHER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lawrence, Mr. WEINGARTNER, vote on the final passage of this bill?

Mr. WEINGARTNER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Huntingdon, Mr. Fisher, vote on the final passage of this bill?

Mr. FISHER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. WEINGARTNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. WEINGARTNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 8 of the title, by inserting at the end of the line the following: "and limiting the amount of such appropriations."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 376, Printer's No. 563, together with the message from the Senate which was laid on the table on May 20, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 376, entitled:

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and

camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate to House Bill No. 376, and that a Committee of Conference be appointed.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED ON
HOUSE BILL NO. 376

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 376, Messrs. McLANE, REUBEN E. COHEN and KNOBLE.

Ordered, That the Clerk inform the Senate accordingly.

MR. VAN ALLSBURG IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1545, entitled:

An Act to amend section one of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term dealer.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1489, entitled:

An Act to amend section six, eleven, twelve, sixteen and twenty-one of the act, approved the twenty-first day of April, one thousand nine hundred and thirty-seven (P. L. 318), entitled "An act relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties; and repealing present laws," further regulating the business of dealing in, and the transportation and sale of nursery stock coming from without the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1350, entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1480, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertise-

ment; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1346, entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1280, entitled:

An Act limiting the time within which suits or actions shall be brought for damages to surface property resulting from the mining of coal; and excepting from the operation thereof any suits or actions pending on its effective date.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1636, entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1451, entitled:

An Act creating a commission to make a study and investigation of the various phases of aeronautics and aviation in the Commonwealth of Pennsylvania for the purpose of advising the General Assembly with respect to the expenditure of public funds in these fields; directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, retain employees and expend funds; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1550, (Senate Bill No. 345), entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualifications, jurisdiction, powers and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period

within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1655, (Senate Bill No. 141), entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1548, (Senate Bill No. 223), entitled:

An Act to amend section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes thereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactments and appeals of statutes" changing the effective date of laws affecting budgets of political subdivisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 910, entitled:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions; regulating the payment thereof; and conferring powers and imposing duties on the Department of Agriculture.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1385, (Senate Bill No. 507), entitled:

An Act to apportion the State into congressional districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Erie, Mr. VanAllsburg, for presiding.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 1537, Senate Bill No. 381, Printer's No. 233, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1526, entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

The first section was read.

On the question,

Will the House agree to the section?

Mr. HEATHERINGTON. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 1, (sec. 207), page 2, line 1, by striking out the light face bracket before the word "the"

Amend sec. 1, (sec. 207), page 2, line 2, by striking out the words "[] a special".

Amend sec. 1, (sec. 207), page 2, line 2, by inserting after the word "occurring" the following: "or at a special election held".

Amend sec. 1, (sec. 207), page 2, lines 8, 9, 10 and 11, by striking out the words "and after the filing" in line 8, all of lines 9 and 10, and the words "quarter session court" in line 11.

Amend sec. 1, (sec. 207), page 2, line 17, by inserting after the word "Commonwealth" the following: "A special election for such purpose shall be held on a day to be fixed by the court of quarter sessions of the county, upon petition signed by at least five per centum of the registered voters of the township."

Amend sec. 1, (sec. 207), page 2, lines 18 and 19, by striking out the words "petitioners as the court may direct" and inserting in lieu thereof the following: "township."

The amendments were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1512, entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons empowering the State Council for the Blind to do all things necessary for the establishment maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress authorizing officers and agencies in charge of State county or municipal buildings to allow the establishment and operation of stands herein creating a revolving fund in the State Treasury to be used for the purposes of the act and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1111, (Senate Bill No. 329), entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The bill having been called up from the postponed calendar, by Mr. O'NEILL.

The House resumed the consideration on second reading of House Bill No. 931, entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy requiring county commissioners or boards for the assessment and revision of taxes to furnish at the expense of the county certified duplicate of last adjusted valuations of real estate making the same taxable for vocational school purposes and making further provision with reference to the bond of tax collectors

The first section was read.

On the question,

Will the House agree to the section?

Mr. O'NEILL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 6), page 2, line 20, by inserting after the word "all" the following "real"; Amend Sec. 1 (Sec. 6), page 4, lines 3 to 13, by striking out the following: "the county commissioners or board for the as-" in line 3, and all of lines 4 to 13, both inclusive, and inserting in lieu thereof: "the said board is hereby authorized to enter into suitable arrangements either with the county commissioners or with the various school districts or tax collectors of the municipal subdivisions involved whereby the taxes due to the vocational school district shall be computed and entered, for collection purposes, in separate columns either in the county or school tax duplicates. The various tax collectors shall make separate accounting and returns covering the taxes due to the vocational school districts."

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. O'NEILL. Mr. Speaker, I desire to offer the following amendments.

Amend title, page 1, lines 11 to 16 of title, by striking out the following: "requiring" in line 11, all of lines 12 to 15, both inclusive, and the words "vocational school purposes" in line 16, and inserting in lieu thereof: "on real estate; and authorizing the computation and entry, for collection purposes, in tax duplicates of the county or school districts, of the taxes due to vocational school districts and the separate accounting and return thereof."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 666, as follows:

An Act to further amend section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" by extending its provisions to counties of the second class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" as amended by the act approved the twenty-fourth day of April one thousand nine hundred thirty-three (P. L. 58) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representative of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the collector of taxes collector of delinquent taxes constable or delinquent tax collector or other official authorized to collect delinquent taxes under the provisions of existing general or special legislation during the period in which he is authorized to collect the delinquent taxes of any county (except a county of the second class) city except a city of the first class and of any borough incorporated district township poor district or school district shall have the power at the request of any taxpayer to accept payment in installments of delinquent taxes or water-rents or rates both before and after the filing of liens therefor but he shall not be obliged to accept any installment of less than ten per centum (10%) of the face amount of the tax water-rent or rate when it became delinquent The acceptance of any installment or installments by any delinquent tax collector shall not prejudice the city county borough incorporated district township poor district or school district in the collection of any balance due or in any way impair the validity of any lien filed for such delinquent taxes water-rents or rates or any balance due thereon according to the provisions of any act of assembly applicable thereto nor shall any penalty be abated or diminished because of the acceptance of any such installment or installments but interest on the amount of any installment shall cease after the month in which such installment is paid

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman	Foor,	Lyons,	Royer,
Allmond.	French,	Malloy,	Rush,
Auker,	Gallagher,	Marls,	Sarge,
Baker,	Gates,	Maxwell,	Sarraff,
Balthaser,	Gerard,	McClanaghan	Scanlon,
Baughner,	Gillan,	McClester,	Schwab,
Bentley,	Gillette,	McDermott	Serrill,
Bentzel,	Goodwin,	McDowell,	Shaffer,
Boles,	Greenwood	McFall,	Shaw,
R'ney,	Gross,	McGrath,	Shepard,
Bower,	Gryskewicz.	McIntosh,	Skale,
Bradley,	Cyger,	McKinney.	Snyder,
Bretherick.	Habbyshaw	McLanahan	Sollenberger,
Brown,	Haberlen,	McLane,	Sorg,
Brunner, C. H.	Haines,	McMillen,	Stambaugh,
Brunner P. A.	Hamilton.	McSurdy,	Stank,
Burns,	Hare,	Melchiorre	Stine,
Burtis,	Harkins,	Mihm,	Stockham,
Cadwalader	Harmuth	Modell,	Tarr,
Chervenak.	Harris,	Monks,	Tate,
Chudoff,	Heatherington	Mooney,	Taylor,
Cochran,	Helm,	Moran,	Thompson, E. F.,
Cohen, M. M.	Hering.	Moul,	Thompson, R. L.,
Cohen, R. E.	Herman.	Muir,	Trout,
Cook,	Hersch,	Munley	VanAllsburg,
Cooper,	Hewitt,	Nunemacher	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Dare,	Vogt,
Croop,	Huntley,	O'Mullen,	Voldow,
Cullen,	Imbrie,	O'Neill,	Voorhees,
Dalrymple,	James,	Owens,	Wagner,
Dennison,	Jefferson,	Petrosky	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. E.,
D'Ortona,	Kenehan,	Powers,	Welsh, M. J.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz.	Rausch,	Winnner,
Elder,	Komorofski.	Readinger,	Wolf,
Elliot,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, D. P.	Wood, N.,
Falkenstein.	Lee, T. H.,	Reese, R. E.	Woodring,
Finestone,	Leisey,	Regan,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fless,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher.	Lichtenwalter	Rose, S.,	Kilroy
Flynn	Longo,	Rose, W. E.	Speaker
	Lovett,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 616, as follows:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" is hereby amended to read as follows

Section 7 In all cases the party accused on oath or affirmation of any crime or misdemeanor against the laws

shall be admitted to bail by one or more sufficient sureties to be taken before any judge justice mayor recorder or alderman where the offense charged has been committed except such persons as are precluded from being bailed by the constitution of this Commonwealth Provided also That persons accused as aforesaid of murder or manslaughter shall only be admitted to bail by the supreme court or one of the judges thereof or a president or associate law judge of a court of common pleas And provided further however That persons accused of involuntary manslaughter involving the use of an automobile trolley or train may be admitted to bail by a magistrate committing magistrate justice of the peace or alderman the amount thereof to be fixed by the magistrate committing magistrate justice of the peace or alderman or the coroner Persons accused as aforesaid of arson rape mayhem sodomy buggery robbery or burglary shall only be bailable by the supreme court the court of common pleas or any of the judges thereof or a mayor or recorder of a city

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flynn,	Longo,	Rosenfeld,
Allmond,	Foor,	Lovett,	Royer,
Auker,	Frunch,	Malloy,	Rush,
Baker,	Gallagher,	Marks,	Sarge,
Balthaser,	Gates,	Maxwell,	Sarra,
Baughner,	Gerard,	McClanaghan,	Scanlon,
Bentley,	Gillan,	McClester,	Schwab,
Bentzel,	Gillette,	McDermott,	Serrill,
Boles,	Goodwin,	McDowell,	Shaffer,
Boney,	Greenwood,	McFall,	Shaw,
Bower,	Gross,	McGrath,	Shepard,
Bradley,	Gryskewicz,	McIntosh,	Skale,
Bretherick,	Gyger,	McKinney,	Sollenberger,
Brown,	Habbyshaw,	McLanahan,	Sorg,
Brunner, C. H.,	Haberlen,	McLane,	Stambaugh,
Brunner, P. A.,	Haines,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burris,	Hare,	Melchiorre,	Stockham,
Cadwalader,	Harkins,	Mihm,	Tarr,
Chervanak,	Harmuth,	Modell,	Tate,
Chudoff,	Harris,	Monks,	Taylor,
Cochran,	Heatherington,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Heim,	Moran,	Thompson, R. L.,
Cohen, R. E.,	Hering,	Moul,	Trout,
Cook,	Kerman,	Muir,	Van Allsburg,
Cooper,	Hersch,	Munley,	Verona,
Cordier,	Hewitt,	Nunemacher,	Vincent,
Corrigan,	Hirsch,	O'Brien,	Vogt,
Croop,	Holland,	O'Dare,	Voldow,
Cullen,	Huntley,	O'Mullen,	Voorhees,
Dairymple,	Imbrie,	O'Neill,	Wagner,
Dennison,	James,	Owens,	Watkins,
DiGenova,	Jefferson,	Petrosky,	Weingartner,
Dix,	Jones, G. E.,	Pettit,	Weiss,
Dolon,	Jones, P. N.,	Polaski,	Welsh, E. B.,
D'Ortona,	Keenan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Wilkinson,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorowski,	Rausch,	Wolf,
Elliot,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodside,
Finestone,	Leisey,	Regan,	Wright,
Finnerty,	Leonard,	Reynolds,	Yeakel,
Fisher,	Lesko,	Rhea,	Yester,
Fiss,	Levy,	Riley,	Young,
Fleming,	Leydic,	Rooney,	Kilroy,
Fletcher,	Lichtenwarter,	Rose, S.,	Speaker.
		Rose, W. E.	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RESOLUTION

RECALLING HOUSE BILL NO. 1021 FROM THE GOVERNOR

Mr. HAINES offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 21, 1941.

Resolved (if the Senate concur), that House Bill No. 1021, Printer's No. 528, entitled "An act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district,' be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1355, Printer's No. 609, was passed over at the request of Mr. GOODWIN.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 567, as follows:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled ["An act] for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of and the entire act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine [P. L. 748] entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" are hereby reenacted and amended to read as follows

An Act relating to and regulating the purchase and sale of securities providing for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them in the business of buying securities directly from individuals who are not registered hereunder or in the business of advising others as to the value or investment qualifications of securities and the management of investment accounts and the solicitors of such investment advisers providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and to appoint receivers and prescribing fees and penalties

Section 1 This act shall be known and may be cited as "The Pennsylvania Securities Act"

Section 2 The following terms shall unless the context otherwise indicates have the following respective meanings

(a) The term "security" means any bond stock collateral trust certificate transferable share investment contract certificate under a voting trust agreement treasury stock note debenture certificate in or under a profit sharing or participation agreement subscription or preorganization certificate fractional undivided interest in oil gas or other mineral rights evidence of indebtedness certificate of deposit for a security certificate or instrument representing or secured by an interest in the capital assets or property of any company other instrument commonly known as a security or certificate of interest or participation in temporary or interim certificate for receipt for guarantee of or warrant or right to subscribe to or purchase any of the foregoing

(b) The terms "sale" and "sell" include every contract of sale or disposition of attempt or offer to dispose of or solicitation of an offer to buy a security or interest in a security for value except that [and] such terms do not [shall] include preliminary negotiations or agreements between an issuer and any underwriter Any security given or delivered with or as a bonus on account of any purchase of securities or any other thing shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value The use of any newspaper or magazine advertisement in connection with the sale of securities to the purchasers specified in section two subsection (f) subdivision (5) hereof shall not be deemed a "sale" when such newspaper or magazine advertisement bears a legible legend in substance as follows "This offer is confined in Pennsylvania exclusively to national banks

and to banks savings institutions insurance companies and trust companies created under the laws of Pennsylvania and to persons registered under the provisions of the Pennsylvania Securities Act.

(c) The term "person" means an individual or a company

(d) The term "commission" means the Pennsylvania Securities Commission

(e) The term "company" means a corporation joint stock company partnership association company syndicate trust or unincorporated organization As used herein the term "trust" shall be deemed to include a common law trust but shall not include a trust created or appointed under or by virtue of a last will and testament or by a court of law or equity

(f) The term "dealer" means any person other than a salesman who engages in this State either for all or part of his time directly or through an agent who is not registered hereunder as a dealer in selling securities issued by another person The term "dealer" also includes any person other than a salesman who engages in this State either for all or part of his time directly or through an officer director employee or agent (such officer director employee or agent not being registered hereunder as a dealer) in selling securities issued by such person

The term "dealer" also includes any person other than a salesman who engages in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such person or in the business of buying securities directly from individuals who are not registered hereunder

None of the following transactions shall constitute the person engaging therein a "dealer" within the meaning of this act that is to say

(1) Sales of securities or of certificates of deposit for securities issued or guaranteed by any of the following The United States or any territory or insular possession thereof the District of Columbia any state of the United States or any political subdivision public instrumentality or agency of a state or territory or any board agency or commission created by the joint action of two or more states or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States

(2) Judicial executors' administrators' guardians' committees and conservators' sales and sales by receivers or trustees in insolvency or bankruptcy

(3) Isolated transactions in which securities are sold by the owner thereof or by his agent for the owners' account such sales not being made in the course of repeated and successive transactions of a like character by such owner or on his account by such agent and such owner or agent not being the underwriter of such securities

(4) Sales by or for the account of pledge-holders or mortgagees selling in the ordinary course of business to liquidate bona fide debts securities pledged in good faith as security for such debts

(5) Sales to insurance companies authorized by the Insurance Commissioner to carry on an insurance business within this State banks or to persons registered hereunder

(6) Sales of commercial paper

(7) Sales of securities secured by mortgage deed of trust or other lien upon real or personal property where the entire mortgage deed of trust or other lien is transferred with the entire security thereby secured

(8) Sales wherein the issuer a company organized under the laws of this State or a company organized under other laws which has at least one-half of its paid-in capital invested employed or used in this State disposes of its own securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer without any commission or fee and at a total expense of not more than three per centum of the proceeds realized thereon and where no part of the issue is used directly or indirectly in payment for patents serv-

ices good will or for property located outside of this State

(9) Sales wherein the securities are the securities of any corporation organized under the laws of this State whose authorized capital stock added to its other outstanding securities does not exceed twenty-five thousand dollars (\$25,000) shares of stock without nominal or par value being considered for the purpose of this act to be one hundred dollars (\$100) each and such securities are issued and disposed of for the sole account of the issuer in good faith and not for the purpose of avoiding the provisions of this act

(10) The original issuance and sale by any corporation organized under the laws of this State of its securities in good faith and not for the purpose of avoiding the provisions of this act for the sole account of the issuer so long as the number of stockholders of said corporation does not exceed twenty-five (25) and the securities are issued and disposed of without the use of advertisements circulars agents salesmen solicitors or any form of public solicitation

(11) The distribution by a corporation of securities issued by it to its security holders as stock dividend or other distribution out of earnings or surplus

(12) The issue of securities to the security holders or creditors of a corporation in the process of a bona fide reorganization recapitalization or refinancing of such corporation made in good faith [either] in exchange for the securities of such security holders or claims of such creditors [or partly for cash and partly in exchange for the securities or claims of such security holders or creditors]

(13) The issue of increased capital stock of a corporation sold or distributed by it entirely among its own stockholders

(14) The transfer or exchange [by or on account of one corporation to another corporation of their own securities in connection with a proposed consolidation or merger of such corporations] by the security holders of the securities of one or more corporations who are parties to a merger or consolidation for the securities of the resulting or continuing corporation

(15) The issuance and sale of its own stock by a building and loan association organized under the laws of this State

(16) The issuance and sale of its own securities by a corporation not organized and not engaged in business for profit

(17) The sale to not more than three persons of subscriptions for shares of capital stock of a corporation prior to the incorporation thereof under the laws of this State when no expense is incurred and no commission compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities

Provided however That the Exemptions granted by subdivisions (8) (9) and (10) of this subsection (f) shall not be effective to exempt any person as a "dealer" until (5) days after such person shall have filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail a statement in such form as the commission may prescribe of the facts relied on by such person to bring the proposed transaction within the term of one or more of said subdivisions (8) (9) or (10) and shall not be effective if the commission shall have notified such person that exemption has been denied

(g) The term "salesman" means any individual employed appointed or authorized by a dealer to sell securities in this State and the term includes any individual employed appointed or authorized by a dealer to engage in this State in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such individual for a dealer or in the business of buying securities directly from individuals who are not registered hereunder

(h) The term "secretary" means the secretary of the Pennsylvania Securities Commission

(i) The terms "fraud" fraudulent' and 'fradulent practice' include any misrepresentation in any manner of a relevant fact not made honestly and in good faith any promise representation or prediction as to the future not made honestly and in good faith an intentional failure to disclose a material fact any fictitious or pretended purchase or sale of securities the gaining directly or indirectly through the sale of any security of any underwriting or promotion fee or profit selling or managing commission or profit so gross and exorbitant as to be unconscionable and iradulent [and] any scheme device or other artifice to obtain such a profit fee or commission or to defraud any customer client subscriber or prospective customer client or subscriber of his securities money or property and any act practice transaction or course of business which is fraudulent or which has operated or would operate as a fraud upon a customer client or subscriber or prospective customer client or subscriber Provided however That nothing herein shall limit or diminish the full meaning of the terms "fraud" and fraudulent" as applied or accepted in courts of law or equity

(j) The term "prospectus" means any circular advertisement pamphlet prospectus program circular-letter circular-telegram or other matter in the nature thereof which offers any security for sale

(k) The term "analysis" means any report letter telegram pamphlet writing or other matter in the nature thereof wherein advice as to the value of securities or as to the advisability of investing in purchasing or selling securities is given or wherein securities are analyzed but does not include documents which are delivered by a registered person to five or less clients

(l) The term "bank" means a bank a bank and trust company a savings bank a trust company or a private bank as defined in the Banking Code or banking institution or trust company organized under the laws of the United States or a receiver conservator or other liquidating agent of any of the foregoing

(m) The term "investment adviser" means any person who for compensation engages in the business of advising others either directly or through publication or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or who for compensation engages in the business of managing any investment or trading account in securities for other persons or who for compensation and as part of a regular business issues or promulgates analyses but does not include (1) a bank (2) any person giving investment advice in this Commonwealth in isolated instances only provided such person does not represent himself as being in the business of an investment adviser in this Commonwealth (3) any registered dealer or registered salesman (4) any publisher of the bona fide newspaper news magazine or financial publications of general and regular circulation (5) any person whose advice or analyses relate to securities or to certificates of deposit for securities issued or sold by any of the following The United States or any territory or insular possession thereof the District of Columbia any state of the United States or any political subdivision public instrumentality or agency of a State or territory or any board agency or commission created by the joint action of two or more States or a person created and acting as an instrumentality of the Government of the United States pursuant to the authority of the Congress of the United States (6) any person whose only clients are investment companies insurance companies banks investment advisers registered under this act or fiduciaries of whom at least one co-fiduciary is a bank (7) any person who has fewer than five clients and who does not hold himself out generally to the public as an investment adviser (8) such other persons not within the intent of this subsection as the commission may designate by orders rules or regulations

(n) The term "investment advisory contract" means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account for a person other than a dealer investment company insurance company a bank or fiduciary of whom at least one co-fiduciary is a bank

(o) The term "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client

(p) The term "assignment" includes any direct or indirect transfer or hypothecation of an investment advisory contract by the assignor or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor but if the investment adviser is a partnership no assignment of an investment advisory contract shall be deemed to result from the death or withdrawal of a minority of the members of the investment adviser having only a minority interest in the business of the investment adviser or from the admission to the investment adviser of one or more members who after such admission shall be only a minority of the members and shall have only a minority interest in the business

(q) The term "solicitor" means any individual employed appointed or authorized by an investment adviser to solicit persons to contract for or engage the services of such investment adviser

(r) The term "general plan and character of business" as applied to an investment adviser and to that part of the business of a dealer whose business includes that of an investment adviser means (1) the manner of giving advice and rendering analyses (2) the nature and scope of the authority of such person with respect to the funds and accounts of the clients to whom such person renders investment advisory service (3) the basis or bases upon which such investment adviser or dealer is compensated for advising others as to the value of securities or as to the advisability of investing in purchasing or selling securities or for managing any investment or trading account in securities for others or for issuing or promulgating analyses (4) whether such person is engaged or is to engage primarily in the business of rendering investment supervisory services and (5) as applied to an investment adviser also means whether he sells securities of investment companies and if so how he complies with the provisions of Section 13 (b) hereof

Section 3 (a) Unless registered hereunder no dealer shall sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof directly or indirectly in order to produce funds to pay for other investments sold by such dealer or in the business of buying securities directly from individuals who are not registered hereunder (b) Unless registered hereunder as a salesman of such dealer no salesman shall on behalf of any dealer sell any security in this State or engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such salesman for the dealer for whom he acts as a salesman or in the business of buying securities directly from individuals who are not registered hereunder (c) Unless registered hereunder no investment adviser shall in this State for compensation engage in the business of advising others either directly or through publications or writing as to the value of securities or as to the advisability of investing in purchasing or selling securities or in the business of managing any investment or trading account in securities for other persons or as part of a regular business issue or promulgate analyses (d) Unless registered hereunder as a solicitor of such investment adviser no solicitor on behalf of any investment adviser shall engage either directly or indirectly in this State in the business of soliciting persons to contract for or engage the services of such investment adviser (e) The list of dealers salesmen investment advisers and solicitors registered hereunder shall at all times be open to the public

Section 4 A dealer or investment adviser to be registered must submit sworn application therefor to the commission in such form as the commission may determine which shall state the principal place of business of the applicant wherever situated the location of his principal place of business and all his branch offices in this State if any his name or style of doing business and address the names residences and business addresses of all persons interested in the business as principals Partners officers

directors or managing agents specifying as to each his capacity and title the general plan and character of his business the length of time during which he has been engaged in such business [such application shall also contain a financial statement] and such additional information as to the applicant's previous history record and associations as may be required by the commission Such application shall be accompanied by information and evidence satisfactory to the commission as to the financial responsibility of the applicant Each application shall be accompanied by certificates or other evidences satisfactory to the commission establishing the good repute in business of the applicant his directors officers partners and principals

If the applicant is a corporation organized under the laws of any other state or territory or government and shall not have qualified to do business as a foreign corporation in this State it shall accompany the application with a copy of its articles of incorporation certified by the proper officers of such state territory or government and of its regulations and by-laws if a limited partnership a copy of its articles of partnership and if an unincorporated association organized under the laws of any other state territory or government or having its principal place of business therein a copy of its articles of association trust agreement deed of settlement or equivalent documents

Section 5 Every company organized under the laws of any other state [or] and having no office in this state at which process may be served on it and every nonresident individual applying for registration hereunder as a dealer [or] salesman investment adviser or shall file with his application an irrevocable written consent under seal that actions against him arising out of doing the business in this State for which he is registered hereunder or from violations of this act may be commenced (a) in civil cases in the proper court of the county in this State where his principal office is located at the time of service or if he has no office at that time in this State in the proper court of any county of this State in which the cause of action may arise or in which the plaintiff may reside [(b) in criminal cases in the proper court of any county of this State in which the cause of action may arise and (c) (b) in actions by the commission for injunctions against violations by him of the provisions of this act in the Court of Common Pleas of Dauphin County in each case by a service of process upon the commission as his agent. Such consent shall stipulate and agree that such service of process and similar service of pleadings and notices in such actions shall be taken and held in all courts to be as valid and binding as if due service had been made upon the person himself according to the laws of this or any other state Such consent shall be authenticated by the signature of all the members of such partnership or if it is a corporation or association shall be authenticated by the signature of the president and secretary thereof and accompanied by a duly certified copy of the resolutions of the board of directors trustees or managers of the corporation or association authorizing the said secretary and president to execute the same In case any process pleadings or notices mentioned in this act are served upon the commission it shall be by duplicate copies one of which shall be filed in the office of the commission and the other immediately forwarded by the commission by registered mail to the dealer [or] salesman investment adviser or against whom said process pleadings or notice are directed

Section 6 Except as hereinafter provided unless the Commission shall have taken affirmative action at an earlier time registration shall become effective thirty (30) days after receipt by the Commission of the complete application or renewal application as the case may be and the Commission upon the expiration of such thirty (30) days shall register the applicant The Commission after hearing may by order deny registration of an applicant if the Commission finds that the applicant is not of good repute or that the proposed plan of business of the applicant is unfair unjust or inequitable or that the applicant is not of sufficient financial responsibility to deal

safely with the public. The order fixing a hearing on said application shall operate to postpone the effective date of registration pending final decision by the Commission upon the application but such postponement shall not operate to postpone the effective date of registration for more than one hundred twenty (120) days after receipt of the application or such longer period as the Commission and the applicant agree to. Upon registration of an applicant the Commission shall issue to him a registry certificate stating the principal place of business and address of the dealer or investment adviser the names residences and business addresses of all persons interested in the business as principals partners officers directors or managing agents and the fact that the dealer or investment adviser has been registered for the current calendar year as a dealer in securities or investment adviser as the case may be. Pending final disposition of an application the commission may for special cause shown grant temporary permission revocable at any time and subject to such terms and conditions as the commission may prescribe to transact business as a dealer or investment adviser hereunder. At least ten days before putting into effect a change in the general plan and character of business contained in his application for registration every registered dealer and every registered investment adviser shall notify the commission of such proposed change. If the commission is not satisfied that the change is fair just and equitable the commission may within such ten days give notice of that fact to such dealer or investment adviser. Thereafter until he shall have been notified to the contrary by the commission such dealer or investment adviser shall not put into effect any such change. Upon request from such dealer or investment adviser filed within ten days after the receipt of such notice the commission shall fix a time and place for hearing of which ten days' notice shall be given to such dealer of investment adviser to offer evidence relating to such change. If satisfied as aforesaid as a result of said hearing the commission shall thereupon notify such dealer or investment adviser of that fact.

Section 7 The certificates of registered dealers and investment advisers shall be in such form as the commission may determine. Changes in the certificates necessitated by changes in the personnel of a partnership or in the principals officers directors or managing agents of any dealer or investment adviser may be made at any time upon written application setting forth the fact necessitating the change. Upon the issue of the amended certificates the original certificate and the certified copies thereof outstanding shall be promptly surrendered to the commission.

Section 8 Upon written application by a registered dealer or investment adviser and upon satisfactory evidence as to good repute fitness and qualification the commission shall register as salesmen of such dealer or as solicitors of such investment adviser such individuals (not already registered hereunder) as the dealer or investment adviser may request. The application shall be in such form as the commission may prescribe and shall state the residences and addresses of the individual whose registration is requested together with such information as to such salesman's or solicitor's previous history record and association as may be required by the commission. Such application shall also be signed and sworn to by the salesman or the solicitor for whom registration is requested. The commission shall issue to each individual so registered a registration certificate stating his name and residence the address of the dealer or investment adviser and the fact that he is registered for the current calendar year as a salesman of the dealer or solicitor of the investment adviser. The certificate shall be in such form as the commission shall determine. Upon application either (a) by the salesman or the solicitor if the commission finds that such dealer or investment adviser arbitrarily refuses to apply after a hearing which shall be held at the request of any salesman or solicitor and notice of the time and place of which shall have been sent to the dealer and salesman or investment adviser and solicitor at least seven days prior thereto or (b) by the dealer

or investment adviser the registration of any salesman or solicitor shall be cancelled.

Whenever a salesman or solicitor leaves the employ of the dealer or investment adviser on whose application the salesman or solicitor was registered hereunder such dealer or such investment adviser shall at once notify the commission of that fact and such salesman or solicitor shall at once surrender his registration certificate to the commission.

Section 9 If the commission declines to register an applicant for registration or to renew an applicant's registration as a dealer [or] salesman investment adviser or representative hereunder the commission shall immediately give notice of the fact to the applicant and upon request from such applicant filed within ten days after the receipt of such notice shall fix a time and place for hearing of which ten days' notice shall be given to such applicant and to other persons interested or protesting to offer evidence relating to his application. If satisfied as aforesaid as a result of said hearing the commission shall thereupon register the applicant.

Section 10 All registrations shall expire at the close of the calendar year but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided without filing of further statements or furnishing any further information unless specifically requested by the commission except that applications for renewals of registrations as dealers and investment advisers shall be accompanied by or the applicant shall file with the commission at such further time as the commission may authorize in any case information and evidence satisfactory to the commission as to applicant's financial responsibility and as to customers' or clients' securities in applicants' possession. Applications for renewals must be made not less than thirty nor more than sixty days before the first day of January of the ensuing year. All applications for renewals received otherwise shall be treated as original applications. Provided That if an applicant is registered after December first of any year he may immediately apply for a renewal of his registration for the ensuing year.

Section 11 Any registered dealer may and any individual named in the registration certificate as above provided as a dealer's salesman may in behalf of such dealer sell any securities in this State. Any registered person may engage in the business of investment adviser in this State but a registered salesman or solicitor may so act only on behalf of the person for whom he is registered. [But such] A dealer investment adviser solicitor or salesman shall at all times when acting on the business for which he is registered hereunder when carry with him a registration certificate or a copy thereof certified by the commission which shall at any time be shown to a prospective customer or client upon such customer's or client's request.

No dealer or salesman shall use the fact of his registry by public display or advertisement except as herein expressly provided or the registry certificate or any certified copy thereof in connection with any sale or effort to sell any security except to a prospective customer upon such customer's request.

No investment adviser or solicitor shall use the fact of his registry by public display or advertisement except as hereinafter expressly provided or the registry certificate or any certified copy thereof in connection with any effort to induce a prospective client or subscriber to subscribe to his services except to a prospective client or subscriber upon such client's or subscriber's request.

Section 12 Immediately upon receipt of a dealer's or investment adviser's registry certificate issued pursuant to the authority of this act the dealer or investment adviser named therein shall cause such certificate to be posted and at all times conspicuously displayed in such dealer's or investment adviser's principal place of business in this State and shall likewise forthwith cause a duplicate of such certificate to be posted and at all times conspicuously displayed in each branch office located in this State.

Section 13 (a) No dealer or salesman shall issue or

publish in this State any analysis or prospectus until such dealer shall have been registered or temporary permission shall have been obtained as in this act provided. The inclusion on the face of or within a prospectus or in a newspaper or magazine advertisement issued or published by or on behalf of a dealer who has been registered or by whom temporary permission has been obtained as in this act provided of the names of dealers not so registered shall not constitute a violation of this act. Any advertising matter may by an appropriate readily legible legend printed thereon limit the offering thereby made to any particular character of sales or class of transactions in which event such advertising matter shall not be deemed to be for any other or additional purpose. No dealer or salesman shall issue or publish in this State any prospectus or analysis unless a copy thereof in which or on a list attached to which the dealer's name appears as a proposed vendor shall have been filed in the office of the commission or mailed to the commission at Harrisburg Pennsylvania by prepaid registered mail. No dealer or salesman shall issue or publish within this State any prospectus or analysis after notice in writing given to him by the commission that in the commission's opinion the same contains any statement that is fraudulent false misleading or otherwise likely to deceive a reader thereof. After three years from the receipt thereof by the commission it may in its discretion destroy any and all documents filed with it or mailed to it under the provisions of this subsection.

(b) No person registered hereunder unless so registered as a dealer or salesman shall as such engage in the issuance underwriting or promotion of securities except as hereinafter otherwise provided. No person registered hereunder unless so registered as a dealer or salesman shall purchase securities from or sell securities to his clients or subscribers without fully disclosing to such client or subscriber his interest if any in the securities. No adviser shall issue or publish within this State any analysis after notice in writing given to him by the Commission (stating fully the grounds therefor) that in the Commission's opinion the same is fraudulent or contains any statement that is false misleading or otherwise likely to deceive the reader thereof. Provided That the provisions of this subdivision shall not prevent the sale by any investment adviser to his clients subscribers or others or the underwriting or promotion by an investment adviser of the securities of an investment company if (1) such investment adviser is registered as an investment adviser under this act and is engaged principally in the business of rendering investment supervisory services (2) no sales load is charged on securities issued by such investment company (3) any premium over net asset value charged by such company upon the issuance of any such security plus any discount from net asset value charged on redemption thereof shall not in the aggregate exceed two per cent (4) no sales or promotion expenses are incurred by such company but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expense (5) such investment adviser is the only investment adviser to such investment company and such investment adviser does not receive a management fee exceeding one per cent per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year (6) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser (7) such investment company has only one class of stock outstanding each share of which has equal voting rights with every other share.

(c) No dealer or salesman shall sell any security in this State until there shall have been filed with the commission a notice of intention to sell the security in question. Provided That the provisions of this subsection (c) and of subsections (d) (e) (f) and (g) of this Section 13 shall not apply to (a) any security which prior to or within sixty days after the enactment of this act has been sold or disposed of by the issuer or bona fide offered to the public (b) the sale of any security the disposition of which does not constitute a person a dealer within the

meaning of Section 2 subsection (f) of this act (c) any security registered with the Securities and Exchange Commission under the provisions of the Securities Act of 1933 (d) any security exempted from any provisions of the Securities Act of 1933 by any subsection of Section 3 (a) thereof or any future similar section other than subsection 11 of said Section 3 (a) (e) the sale of any security the disposition of which is a transaction exempted from any provisions of the Securities Act of 1933 by Section 4 of said act or any future similar section (f) any security issued by a person registered under the provisions of the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 374) as amended. Upon the filing of said notice such security may be sold by any dealer or salesman registered hereunder except during such period or periods as such sale may be forbidden under or pursuant to other provisions of this act. Within seven days after the filing of said notice or such further time as the commission may authorize in any case there shall be filed with the commission a statement in such form as the commission may prescribe containing the following information relative to the security and the person issuing the same:

(1) The name and address of the person and in the case of an organization the names and addresses of the partners trustees directors or other board of management president treasurer secretary auditor or corresponding officers thereof.

(2) The state or other government if the person be an organization under the laws whereof such person was organized and a reference to such laws.

(3) The general nature of the business transacted within the past five years or to be transacted by such person with if the person be an organization a statement of the purpose for which it was organized or formed.

(4) The amount of capital devoted and proposed to be devoted to the business in question with the number of and a classification of the securities issued and to be issued the amount of the secured debt and the unsecured debt with a brief description of the date of issuance maturities and character of such debt and the security if any therefor and the authorized amount of capital stock certificates of beneficial interest or other securities of like character with the number and classes of shares into which the same is divided and a brief description of the respective voting rights preferences right to dividends or profits and rights to capital with respect to each class.

(5) The purposes to which the proceeds of the security proposed to be sold are to be applied.

(d) The commission may accept in lieu of such statement or of any part thereof a reference to recognized sources of information selected by the commission and containing such information as it deems to be an adequate substitute therefor.

(e) The notice of intention above prescribed may be filed by a dealer who proposes to sell the security or by the person issuing the security. The statement shall be filed by or on behalf of the person proposing to sell as principal or the person issuing the security and shall be dated and verified by the oath of such person if an individual or if an organization by the oath of a majority of the partners trustees directors or other members of a managing board thereof or its duly authorized officers or representatives.

(f) The commission shall make such investigation of any security of which notice of intention to sell shall have been filed with it as it may deem advisable to enable it to determine whether the sale of such security would be fraudulent or would result in fraud. At any time after the filing of the notice of intention and pending such determination the commission may make an order forbidding the sale of such security which order shall remain in force until revoked by the commission. Such security shall not be sold while such order remains in effect.

(g) The failure to submit the statement required by subsection (c) when due shall in the absence of satisfactory explanation be deemed prima facie evidence of fraud. Whenever the commission is of the opinion from informa-

tion disclosed or in its possession that the sale of any security is fraudulent or would result in fraud it shall fix a time and place for hearing of which notice shall be given to the issuer and the person who has filed with the commission a notice of intention to sell the security in question at which time and place testimony and evidence may be presented by all parties having an interest in the subject matter. If satisfied as a result of said hearing that the sale of said security is fraudulent or would result in a fraud it shall make a finding to that effect. Thereafter such security shall not be sold until and except in accordance with further action by the commission or by the court as provided in this act.

Section 14 (a) The commission may at any time require a dealer to file with it a list of securities which such dealer has sold in this State within the preceding six months or which he is at the time selling or any portion thereof and thereupon if it shall appear that any of such offering of the dealer either (1) have not been made honestly or (2) have not been made in good faith (3) have not been made with intent to deceive or defraud or (4) have been made without the dealer's having a reasonable amount of information concerning the issuer thereof the commission may in addition to its other powers prohibit the dealer from selling such securities in this State.

(b) The commission may at any time require an investment adviser or dealer to submit to the Commission copies of all analyses or any portion thereof issued by such investment adviser dealer or dealer's salesman to clients or prospective clients within the preceding one year and thereupon if it shall appear that any analyses of the investment adviser dealer or dealer's salesman either (1) have not been made honestly (2) have not been made in good faith (3) have been made with intent to deceive or defraud or (4) have been made without the investment adviser dealer or dealer's salesman having a reasonable amount of information concerning the subject matter thereof the Commission may in addition to its other powers prohibit the investment adviser dealer or dealer's salesman from further issuing any analyses in this state so found to be in violation of this section.

Section 15 If the commission at any time has reason to believe that any registered dealer or investment adviser has become of bad repute that his plan of business has become unfair unjust or inequitable or is being conducted in an unfair unjust or inequitable manner that he has become of insufficient financial responsibility to deal with the public that he has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to [believe that the dealer has been guilty of such offense] so believe refuse to renew or revoke said dealer's or investment adviser's registration. Notice of the time and place of any such hearing shall be sent to such dealer or investment adviser. If the commission believes that the public interest may be endangered by such dealer or investment adviser continuing in business pending or during such hearing the commission may also suspend such dealer's or investment adviser's registration pending [such hearing] the commission's final order. In [either] the event of refusal to renew revocation or suspension of a dealer's or investment adviser's registration the dealer or investment adviser shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided. In case of revocation or suspension of a dealer's or investment adviser's registration all his registration certificates shall at once be surrendered to the commission upon its request. The revocation or suspension of the dealer's or investment adviser's registration shall constitute a revocation or suspension of the registration of all salesmen of the dealer or all of the investment adviser and notice of its operation on such salesmen's or solicitor's registration shall be forthwith sent by the commission to each of such salesmen

or Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice.

Section 16 If the commission at any time has reason to believe that any salesman of any dealer or of any investment adviser has in any way violated or is violating or is about to violate any of the provisions of this act or has been guilty of any fraud or fraudulent practice then the commission may after hearing and having reasonable cause to believe that the salesman or has been guilty of such offense refuse to renew or revoke such salesman's or registration. Notice of the time and place of such hearing shall be sent to such dealer or investment adviser and to such salesman or solicitor. If the commission believes that the public interest may be endangered by such salesman or continuing in business pending or during such hearing the commission may also suspend such salesman's or registration pending the commission's final order in the event of the refusal to renew revocation or suspension of a salesman's or solicitor's registration the salesman or shall not be regarded as registered under the provisions hereof until restored to registration by the commission either on its own initiative or upon order of the court as in this act hereinafter provided. In case of the refusal to renew revocation or suspension of a salesman's or registration as a result of proceedings under this section or in case of the refusal to renew revocation or suspension of a salesman's or representative's registration as a result of proceedings against a dealer or investment adviser under section fifteen hereof any such event the registration certificate of such salesman or shall at once be surrendered to the commission upon its request. Until the entry of a final order by the commission the suspension thereof though binding upon the persons notified thereof shall be deemed confidential and shall not be published unless it shall appear that the order of suspension has been violated after notice.

Section 17 Any notice required by this act shall be sufficient if sent by registered mail addressed to the dealer [or] salesman investment adviser or as the case may be at the address designated in the application for registration. All testimony taken at any hearing before the commission shall be reported stenographically and a full and complete record shall be kept of all proceedings before the commission on any hearing or investigation.

All decisions of the commission including decisions of the commission not to register a dealer [or] salesman investment adviser or and decisions to prohibit the issuance or publication of particular prospectuses or analyses or to prohibit the sale of particular securities shall be in writing signed by the secretary of the commission under its seal and shall fully state the grounds therefor.

Section 18 Any person aggrieved by any decisions of the commission may file within thirty days thereafter in the Court of Common Pleas of Dauphin County a petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof. Every such petition shall specify the petitioner's objection to the action and decision of the commission and no objection not so specified and no grounds for such decision not stated therein shall be considered by the court. Upon service of a summons upon the commission returnable within ten days from its date the commission shall on or before the return day file an answer in which it shall allege by way of defense the grounds for its decision. It shall also on or before the return day of such summons certify to the Court of Common Pleas of Dauphin County the record of the proceedings to which the petition refers. Such record shall include the testimony taken therein the findings of fact of the commission based upon such testimony exceptions of any a copy of all orders made by the commission in the proceedings and a copy of the action or decision of the commission which the petition calls upon the court to reverse. The cost of preparing and certifying such record shall be paid to the commission.

by the petitioner and taxed as part of the costs in the case to be paid as directed by the court upon the final determination of the case

Upon the filing of the commission's answer the case before the Court of Common Pleas of Dauphin County shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay Mere technical irregularities in the procedure of the commissioned shall be disregarded

The case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

From the decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Supreme Court of Pennsylvania as in other cases

A judgment sustaining a revocation of or a refusal of the commission to grant or renew a registration shall not bar after one year a new application by the plaintiff for registration nor shall a judgment in favor of the plaintiff prevent the commission from thereafter revoking or refusing to renew such registration for any proper cause which may thereafter accrue or be discovered The court shall have full power to dispose of all costs

Section 19 The commission may require by subpoena or summons issued by it the attendance and testimony of witnesses and the production of any books accounts records papers correspondence relating to any matter which the commission has authority under this act to consider or investigate and for this purpose it may sign subpoenas administer oaths and affirmations examine witnesses and receive evidence The commission may require or permit any person to file with it a statement in writing under oath or otherwise as to all the facts and circumstances concerning the subject matter under investigation All information of every kind and nature so obtained shall be treated as confidential by the commission and shall not be disclosed to the public except under order of the court but nothing in this section shall be interpreted to prohibit or limit the publication of the commission's rulings or decisions or of summaries abstracts or reports of the evidence received at hearings which resulted in such rulings or decisions or of summaries abstracts or reports of the reasons of the commission for declining to register any applicant if the applicant does not request a hearing upon his application Provided however That no publication shall be made of lists of security holders clients subscribers or customers of any person and provided further that no provision of this act shall be construed to require or authorize the Commission to require any investment adviser engaged in rendering investment supervisory services and not having the custody of client's funds or securities to disclose the identity investments or affairs of any client of such investment adviser except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act In case of disobedience of any subpoenas or of the contumacy of any witness appearing before the commission the commission may invoke the aid of the court of common pleas within the jurisdiction of which the principal place of business of the investment adviser dealer solicitor or salesman under investigation in this State is located or of any court of common pleas within the jurisdiction of which the witness may be found and such court may thereupon issue its subpoena requiring the person subpoenaed to appear before it and there to give evidence to produce books accounts records papers and correspondence or to file a statement under oath as aforesaid touching the matter in question Any failure to obey such order of the court may be punished by such court as a contempt thereof

Each witness required to attend before the commission shall receive for each day's attendance the sum of two

dollars (\$2.00) and shall receive in addition the sum of ten cents (\$.10) for each mile of circular travel by such witness by the usual route between his home and the place where his presence is required All disbursements made in the payment of such fees shall be included in and paid in the same manner as is provided for the payment of other expenses incident to the administration and enforcement of this act as hereinafter provided for

The fees for serving a subpoena shall be the same as those paid the sheriff for similar services The fees and costs of or in connection with any hearing may be imposed by the commission upon any party to the record or may be divided between any or all parties to the record in such proportions as the commission may determine

Section 20 (a) In any prosecution or proceeding under this act the accused shall be deemed to have knowledge of any fact or circumstances where in the exercise of reasonable diligence he could or should prior to the commission of the offense complained of have secured such knowledge

(b) In any prosecution or proceeding under this act all papers instruments or documents certified by the secretary under the commission's seal as appearing in the files of the commission shall be presumed to have been filed with the commission at its offices in Harrisburg Dauphin County Pennsylvania by the person on whose behalf said paper instrument or document purports to have been filed

Section 21 [No person shall by fraud or fraudulent practice induce holders of securities (a) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (b) to permit such person to dispose of such securities for the holders] No person registered hereunder shall directly or indirectly enter into extend or renew any investment advisory contract or in any way perform any investment advisory contract entered into extended or renewed on or after the effective date of this act if such contract

(a) Provides for compensation to such person on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client

(b) Fails to provide in substance that no assignment of such contract shall be made by such person without the consent of the other party to the contract

(c) Fails to provide in substance that such person if a partnership will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change

(d) Fails to provide for periodic accounting to the client if by the terms of the contract or in fact such person manages investment or trading accounts in securities for or has custody of the securities of his client

Provided however That nothing in this subsection shall be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period or as of definite dates or takes as of a definite date or to prohibit an oral investment advisory contract not in violation of this section and terminable at will by the client or subscriber

Section 22 Any dealer or salesman who shall in this State without being registered hereunder either (a) sell any security (b) engage in the business of inducing holders of securities to effect the sale thereof through a person registered hereunder or otherwise directly or indirectly in order to produce funds to pay for other investments sold by such dealer or by such salesman for a dealer or (c) engage in the business of buying securities directly from individuals who are not registered hereunder [or] and any person who shall by fraud or fraudulent practice induce holders of securities (1) to exchange the same directly or indirectly for any property real or personal tangible or intangible or (2) permit such person to dispose of such securities for the holders and any person who shall make or shall concur in making any false statement [of fact] in any statement or matter of information required by this act or by the rules or regulations of the commission promulgated hereunder to be filed with the

commission or in any prospectus or communication which offers any security for sale or in any oral solicitation to purchase or in any commendatory matter concerning any security with intent to aid in the sale of the same or in any analysis or who shall represent himself as an investment adviser or solicitor without being registered hereunder who shall make any false statement or representation concerning any registration made under the provisions of this act who shall be guilty of any fraud or fraudulent practice or who shall represent that the Commonwealth of Pennsylvania the commission or any member thereof the Department of Banking or any officer or employee of any of the foregoing has approved of or recommended any security shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than five (5) years or both. Any person who shall commit in whole or in part any other act declared unlawful by this statute shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than one (1) year or both.

Section 23 Neither the members of the commission nor the secretary nor any deputy examiner clerk or other employee of the commission shall publish or divulge to any one any information contained in or ascertained from any examination or investigation made by the commission or any letter report or statement sent to the commission or any other paper or document in the custody of the commission except when the publication or divulgement of such information is made by the commission pursuant to the provisions of this act or of any other law of this Commonwealth or when the production of such information is required by subpoena or other legal process of a court of competent jurisdiction or when it is used in prosecutions or other court actions instituted by or on behalf of the commission or in cooperation with any other governmental agency or when pursuant to specific written authorization by the commission it is used in investigations by the commission or when the divulgement of such information is made to any other governmental agency security exchange or association of security dealers or of investment advisers with respect to the respective members or proposed members thereof. Provided That no divulgement shall be made of lists of security holders customers subscribers or clients of any person and that no divulgement shall be made of the identity investments or affairs of any client of any investment adviser engaged in rendering investment supervisory services and not having the custody of client's funds or securities except insofar as such disclosure may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act.

A violation of the provisions of this section by any member of the commission or by the secretary or by any deputy examiner clerk or other employee of the commission shall be sufficient ground for his removal from office. In addition any member of the commission or the secretary deputy examiner clerk or other employee committing such violation shall be deemed guilty of a misdemeanor and shall upon conviction thereof be subject to imprisonment for a period not exceeding one (1) year or a fine not exceeding one thousand dollars (\$1,000) or both.

Section 24 Copies of all papers instruments or documents filed in the office of the commission certified under its seal shall be admitted to be read in evidence in all courts of law and elsewhere in this State in all cases where the originals would be admitted in evidence. Provided That in any proceeding the court having jurisdiction may on cause shown require the production of the originals.

Section 25 Nothing herein contained shall limit or diminish the liability of any person now imposed by law or prevent the prosecution of any person for the violation of the provisions of any other act.

Section 26 The administration of the provisions of this act shall be vested in the commission. The commission shall have authority from time to time to make amend and rescind such rules and regulations including rules of

practice hereunder before it and to prescribe such forms as may be necessary or convenient to carry out the provisions of this act. It shall be the duty of the commission to see that the provisions of this act are at all times properly administered and obeyed and to take such measures and in its discretion to make such investigations upon complaint or otherwise as will or may in its opinion detect the violation of any provision hereof. In the event that it shall discover any such violation it shall in addition to revoking any registration take such measures as may be necessary to cause the apprehension and prosecution of all persons deemed guilty thereof. The commission may at any time or from time to time and with or without notice make periodic special or other examinations of the books accounts correspondence securities memoranda papers and other records of any investment adviser or dealer engaged in business in this State. Provided That the Commission may make no such examinations of any investment adviser engaged in rendering investment supervisory services and not having custody of clients' funds or securities except insofar as such examination may be necessary or appropriate in a particular proceeding or investigation having as its object the enforcement of a provision or provisions of this act which the Commission has reasonable grounds to believe may have been violated. Whenever it shall appear to the commission that any person shall have violated is violating or is about to violate any of the provisions of this act or any person registered hereunder is suffering serious impairment to his or its capital structure or is in danger of becoming insolvent the commission may in addition to any other remedies bring an action in equity in the name and on behalf of the Commonwealth of Pennsylvania against any such person [to enjoin such person from doing any act or acts in violation of this act] in any of the several courts of common pleas of Pennsylvania and may ask for such equitable relief action or remedies as it may deem necessary under the circumstances and the several courts of common pleas in this State shall have jurisdiction over the subject matter and may enter judgments awards decrees or orders which they may deem fit including permanent or temporary injunctions or restraining orders without bond and the appointment of receivers to take possession of any property which may be involved real or person together with any or all books of accounts and papers relating to the same to hold operate distribute or liquidate any such property for the benefit of all persons establishing any interest in the said property. Such receiver shall have the rights powers and duties of a general receiver including the power to execute in his name as receiver any instrument incident to the exercise of any power granted to or imposed upon him as receiver. In any such court proceedings the commission may apply for and on demand shall be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employee salesmen or agents and the production of documents books and records as may appear necessary for the hearing for such [petition] application to testify and give evidence concerning the acts or conduct or things complained of in such application.

A certificate under the seal of the commission showing that the persons in question have not been registered either as dealers [or] salesmen investment advisers or shall constitute prima facie evidence that such persons have not been registered hereunder and shall be admitted in evidence in all proceedings in courts of law or equity within this Commonwealth.

Section 27 The commission shall charge and collect the following fees and shall daily pay all fees received into the State Treasury through the Department of Revenue.

(a) For the filing of any original or renewal application the sum of ten dollars (\$10).

(b) For each registration certificate of a dealer or investment adviser whether on an original or a renewal application forty dollars (\$40) except as hereinafter provided.

(c) For each registration certificate of a salesman or whether on an original or renewal application ten dollars (\$10).

(d) For each registration certificate of a dealer or investment adviser issued after the first day of July of any year twenty dollars (\$20)

(e) For each amended registration certificate twenty dollars (\$20)

(f) For the filing of a notice of a proposed change in a dealer's or investment adviser's plan of business twenty dollars (\$20)

(g) For each duplicate of a registration certificate of a dealer or investment adviser twenty dollars (\$20)

(h) For each duplicate of an amended registration certificate of a dealer or investment adviser five dollars (\$5)

For copies of any papers filed in the office of the commission or for the certification thereof for transcripts of testimony taken at hearings before the commission for the preparation of records of proceedings before the commission and for issuing subpoenas and summons the commission shall charge such fees as it shall by general rule or regulation prescribe. Provided however That the provisions of this section shall not prohibit the commission from issuing free of charge copies of records to other states or to the United States or any of their agencies

Section 28 This act shall become effective ten days after the final enactment thereof. Provided however That all registration certificates issued by the Pennsylvania Securities Commission prior to the effective date of this act under the provisions of the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the court of common pleas of Dauphin County and to the Supreme Court of Pennsylvania prescribing penalties and making appropriations" as amended shall be valid during the period for which they were issued unless sooner revoked or suspended by the commission for any cause for which the commission is authorized by this act to revoke or suspend a certificate of registration issued by it and all applications and proceedings pending before the Pennsylvania Securities Commission under the provisions of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven shall be continued before the commission and shall be disposed of according to the provisions of the said act. And provided further That this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of said act approved the thirteenth day of April one thousand nine hundred and twenty-seven as amended

Section 29 The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 273) entitled "An act for the registration and regulation of certain individuals and entities selling offering for sale or delivery soliciting subscriptions to or orders for or undertaking to dispose of inviting offers for or inquiries about or dealing in any manner in securities defined herein including securities issued by them conferring powers and imposing duties on the Pennsylvania Securities

Section 2 The provisions of this re-enactment and amendment shall be effective ninety (90) days after the final enactment hereof except immediately upon the final enactment of this act the Commission may receive applications for and register applicants for registration as investment advisers and solicitors which registration shall take effect ninety (90) days after final enactment hereof

Section 3 All registrations of dealers and salesmen made under this act prior to the effective date of this re-enactment and amendment shall be effective for the remainder of the registration year for which made unless sooner revoked or suspended

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman	Flynn.	Longo.	Rosenfeld.
Allmond.	Foor.	Lovett.	Royer.
Auker.	French.	Malloy.	Rush.
Baker.	Gallagher.	Marks.	Sarge.
Palthaser.	Gates.	Maxwell.	Sarrafi.
Baughner.	Gerard.	McClanaghan	Scanlon.
Bentley.	Gillan.	McClester	Schwab.
Bentzel.	Gillette.	McDermott.	Serrill.
Boles.	Goodwin.	McDowell.	Shaffer.
Boney.	Greenwood.	McFall.	Shaw.
Bower.	Gross.	McGrath.	Shepard.
Bradley.	Gryskewicz.	McIntosh.	Skale.
Bretherick.	Gyger.	McKinney.	Sollenberger.
Brown.	Habbyshaw	McLanahan	Sorg.
Brunner, C. H.	Haberlen.	McLane.	Stambaugh.
Brunner, P. A.	Haines.	McMillen.	Stank.
Burns.	Hamilton.	McSuder.	Stine.
Burris.	Hare.	Melchiorre.	Stockham.
Cadwalader.	Harkins.	Mihm.	Tarr.
Chervenak.	Harmuth.	Modell.	Tate.
Chudoff.	Harris.	Monks.	Taylor.
Cochran.	Heatherington.	Mooney.	Thompson, E. F.,
Cohen, M. M.,	Helm.	Moran.	Thompson, R. L.,
Cohen, R. E.	Hering.	Moul.	Trout.
Cook.	Herman.	Muir.	Van Allsburg.
Cooper.	Hersch.	Munley.	Verona.
Cordier.	Hewitt.	Nunemacher	Vincent.
Corrigan.	Hirsch.	O'Brien.	Vogt.
Croop.	Holland.	O'Dare.	Voldow.
Cullen.	Huntley.	O'Mullen.	Voorhees.
Dalrymple.	Imbrie.	O'Neill.	Wagner.
Dennison.	James.	Owens.	Watkins.
DiGenova.	Jefferson.	Petrosky.	Weingartner.
Dix.	Jones, G. E.,	Pettit.	Wells.
Dolon.	Jones, P. N.,	Polaski.	Welsh, E. S.,
D'Ortona.	Keenan.	Polen.	Welsh, M. J.,
Duffy.	Kenehan.	Powers.	Wilkinson.
Early.	Kline.	Prosen.	Williams.
Eckels.	Knoble.	Rank.	Winnor.
Elder.	Kolankiewicz.	Rausch.	Wolf.
Elliott.	Komorowski.	Readinger	Wood L. H.,
Ely.	Krise.	Reagan.	Woodring.
Falkenstein.	Lee, E. A.,	Reese, R. E.	Woodside.
Finestone.	Lee, T. H.,	Regan.	Wright.
Finnerty.	Leisey.	Reynolds.	Yeakei.
Fisher.	Leonard.	Rhea.	Yester.
Fiss.	Lesko.	Riley.	Young.
Fleming.	Levy.	Rooney.	Kilroy.
Fletcher.	Leydic.	Rose, S.,	
	Lichtenwaiter.	Rose, W. E.,	

Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1094, Printer's No. 659, was passed over at the request of Mr. ELLWOOD B. WELSH.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1070, entitled:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery

stores or hotels from encouraging or permitting gambling and prescribing penalties

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. McLANAHAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1444, Senate Bill No. 315, Printer's No. 194, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 849, as follows:

An Act to further amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five, (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties;" further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon state, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. WOODSIDE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 6 lines 11 12 13 14 by striking out after the word "weighing" line 11 the following "one copy shall be transmitted by the weighmaster to the city or county inspector of weights and measures of the city or county in which the scale is located."

Amend page 6, lines 16-17 by striking out after the word "weighmasters" line 16 the following "city and county inspectors of weights and measures".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? It there objection? The Chair hears none.

On the question,

Will the House agree to the amendments.

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 814, Printer's No. 646, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 750, as follows:

An Act Authorizing the Department of Property and Supplies with the approval of the Governor to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies acting on behalf of the Division of Aeronautics Department of Revenue and subject to the approval of the Governor is hereby specifically authorized to grant and convey to the county commissioners of Somerset County all that certain piece parcel or tract of land situate lying and being in the township of Somerset County of Somerset and Commonwealth of Pennsylvania

Beginning at a spike in the center line of the concrete pavement in State Highway Route No 53 and being also a common corner of land now being described land of Samuel S Berkley and other land of Webster W Barron one of the grantors herein thence with said center line of said State Highway Route and other land of Webster W Barron north 68° 51' E 1421.37 ft to a spike in the center line of the concrete pavement of said State Highway Route No 53 thence by land of Fred F Smith for the next three lines S 41° 35' E 292.21 ft to a concrete monument marked as corner No 1 thence S 83° 35' E 557 ft to a concrete monument marked as corner No 2 thence N 56° 25' E 511.5 ft to a concrete monument marked as corner No 3 thence by lands of George W Pile S 19° 35' E 1410.7 ft to a concrete monument marked as corner No 4 thence by lands of Harry W Berkley for the next three lines to wit S 89° 25' W 518.1 ft to a concrete monument marked as corner No 5 thence S 13° 25' W 1106.12 ft to a concrete monument marked as corner No 6 thence S 39° 59' E 322.13 ft to a concrete monument marked as corner No 7 thence by land of Stauffer-Quemahoning Coal Co S 52° 25' W 447.75 ft to a concrete monument marked as corner No 8 thence by land of the Stauffer-Quemahoning Coal Co and lands of Mrs Charles Walker N 57° 15' W 2026.2 ft to a concrete monument marked as corner No 9 thence by lands of John DeFilipps and land of Samuel S Bergley N 14° 39' W 1363.72 ft to a spike in the center line of the concrete pavement of the said State Highway Route No 53 being the place of beginning containing 119.9 acres more or less

This being the same tract of land which was acquired by the Commonwealth on the twenty-third day of April one thousand nine hundred and thirty-seven by deed recorded in Somerset County Deed Book Vol 313 page 195 and intended to be developed and improved for use as an airport

The conveyance herein authorized shall be subject to the same reservations and exceptions as expressed in the deed to the Commonwealth hereinbefore described

Section 2 The grant or conveyance herein authorized may be made for such consideration or without consideration as the Governor may approve Said grant or conveyance shall be effected by execution of a deed in regular form from the Commonwealth executed and delivered by the Department of Property and Supplies to the Board of County Commissioners of Somerset County

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Foor,	Longo,	Rose, W. E.
Allmond,	French,	Lovett,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Bentley,	Goodwin,	McDermott,	Schwab,
Boies,	Greenwood,	McDowell,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Bretherick,	Habbyshaw,	McKinney,	Skale,
Brown,	Haberlen,	McLanahan,	Sollenberger
Brunner, C. H.,	Haines,	McLane,	Sorg,
Brunner, P. A.,	Hall,	McMillen,	Stambaugh,
Burns,	Hamilton,	McSurdy,	Stank,
Burris,	Hare,	Melchiorre,	Stine,
Cadwalader,	Harkins,	Mihm,	Stockham,
Chervenak,	Harmuth,	Modell,	Tarr,
Chudoff,	Harris,	Monks,	Tate,
Cochran,	Heatherington,	Mooney,	Taylor,
Cohen, M. M.,	Helm,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Moul,	Thompson, R. L.,
Cook,	Herman,	Muir,	Trout,
Cooper,	Hersch,	Munley,	VanAllsburg,
Cordier,	Hewitt,	Nunemacher,	Verona,
Corrigan,	Hirsch,	O'Brien,	Vincent,
Croop,	Holland,	O'Dare,	Vogt,
Cullen,	Huntley,	O'Mullen,	Voldow,
Dairymple,	Imbrie,	O'Neill,	Voorhees,
Dennison,	James,	Owens,	Wagner,
DiGenova,	Jefferson,	Petrosky,	Watkins,
Dix,	Jones, G. E.,	Pettit,	Weingartner,
Dolon,	Jones, P. N.,	Polaski,	Weiss,
D'Ortona,	Keenan,	Polen,	Welsh, E. B.,
Duffy,	Kenehan,	Powers,	Welsh, M. J.,
Early,	Kline,	Prosen,	Wilkinson,
Eckels,	Knoble,	Rank,	Williams,
Elder,	Kolankiewicz,	Rausch,	Winnor,
Elliott,	Komorowski,	Readinger,	Wolf,
Ely,	Krise,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Reese, R. E.,	Woodring,
Flaestone,	Lee, T. H.,	Regan,	Woodside,
Finnerty,	Lelsey,	Reynolds,	Wright,
Fisher,	Leonard,	Rhea,	Yeakel,
Fiss,	Lesko,	Riley,	Yester,
Fleming,	Levy,	Rooney,	Young,
Fletcher,	Leydic,	Rose, S.,	Kilroy, Speaker
Flynn,	Lichtenwalter,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 828, as follows:

An Act to further amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thence, further regulating the making of contracts and purchases by the townships

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as

amended by the act approved the fourteenth day of May one thousand nine hundred thirty-seven (P. L. 628) and by the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two five hundred dollars shall be by contract in writing and shall be made only after competitive bidding The secretary of the board shall [either] advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids [or shall obtain quotations from at least 3 responsible concerns] It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

The supervisors shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums appropriated for such purposes to be exceeded No contracts or purchases not provided for by an appropriation or which shall cause any appropriation to be exceeded shall be valid

All contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

All plans and specifications shall be on file at least fifteen days in advance of opening bids This section shall not apply in the case of any township repairing its public highways except as to any purchases of materials or equipment for the purpose of such repairs

In every instance in which any contract for any public work construction materials supplies or other matters or things for any township shall be awarded upon competitive bids it shall be the duty of the authorities authorizing the same to award said contract to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the township supervisors at which meeting bids shall be publicly opened and read If through lack of a quorum or other reason no meeting shall be held at such time and place notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed and the foregoing provisions as to bids shall apply The same course shall be pursued until a meeting shall actually be held for receiving and opening bids Any contract made in violation of the provisions hereof shall be void

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Foor,	Lovett,	Rosenfeld,
Allmond,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gerard,	McClanaghan,	Sarra,
Baughner,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boies,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Skale,

Bretherick,	Habbyshaw,	McLanahan,	Sollenberger,
Brown,	Haberlen,	McLane,	Scrg.
Brunner, C. H.,	Haines,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burriss,	Harkins,	Mihm,	Stockham,
Cadwalader,	Harmuth,	Modell,	Tarr,
Chervenak,	Harris,	Monks,	Tate,
Chudoff,	Heatherington,	Mooney,	Taylor,
Cochran,	Helm,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Muir,	Trout,
Cook,	Hersch,	Munley,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Dare,	Vogt,
Croop,	Huntley,	O'Mullen,	Voldow,
Cullen,	Imbrie,	O'Neill,	Voorhees,
Dalrymple,	James,	Owens,	Wagner,
Dennison,	Jefferson,	Petrosky,	Watkins,
DiGenova,	Jones, G. E.,	Pettit,	Weingartner,
Dix,	Jones, P. N.,	Polaski,	Weiss,
Dolon,	Keenan,	Polen,	Welsh, E. B.,
D'Ortona,	Kenehan,	Powers,	Welsh, M. J.,
Duffy,	Kilne,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winner,
Elder,	Komorowski,	Readinger,	Wolf,
Elliott,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, R. E.,	Wood, N.,
Falkenstein,	Lee, T. H.,	Regan,	Woodring,
Finestone,	Leisey,	Reynolds,	Woodside,
Finnerty,	Leonard,	Rhea,	Wright,
Fisher,	Lesko,	Yeakel,	Yester,
Fiss,	Levy,	Young,	Kilroy, Speaker
Fleming,	Leydic,		
Fletcher,	Lichtenwalter,		
Flynn,	Longo,		

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

The SPEAKER. House Bill No. 1210 (Senate Bill No. 24) Printer's No. 291, is not on file and will be passed over.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1275, as follows:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The song "The Rolling Hills of Pennsylvania" the words and music of which were composed by Lois Miller of the City of Pittsburgh Pennsylvania is hereby adopted as the State song of Pennsylvania and shall be the official song for all public purposes The words of said song are as follows

"When first our history began
 Pennsylvania played a part
 At Brandywine and Gettysburg
 Heroes fought with all their heart
 Now we sing the praises of
 This state of ours we love

Refrain

"O the rolling hills of Pennsylvania
 Finest State in all the land
 With mills and mines and fertile valleys
 And brotherhood on ev'ry hand

In the Keystone place of honor
 Cradle of our liberty
 O the rolling hills of Pennsylvania
 God will keep us free
 The azure skies reflect the flames
 Of our factories and mills
 Our farms are finest in the land
 Nestled in the fair foothills
 Teeming cities world's acclaim
 Honor for all our aim"

Section 2 The provisions of this act shall become effective the first day of September one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman.	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Auker,	Callagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarrafi,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Greenwood,	McDowell,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Bretherick,	Habbyshaw,	McKinney,	Skale,
Brown,	Haberlen,	McLanahan,	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burriss,	Harkins,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran,	Helm,	Mooney,	Taylor,
Cohen, M. M.,	Hering,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Moul,	Thompson, R. L.,
Cook,	Hersch,	Muir,	Trout,
Cooper,	Hewitt,	Munley,	VanAllsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kilne,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorowski,	Rausch,	Winner,
Elliott,	Krise,	Readinger,	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Leisey,	Regan,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy, Speaker
Flynn,			

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 918, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Dog Control Commission and defining its powers and duties; and repealing inconsistent acts or parts of acts and making an appropriation

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 401.

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," appropriating to the Department of Military Affairs the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 4, line 13, by striking out at the beginning of said line the word "sale" and inserting in lieu thereof the following: "the sale of products of the soil meats live stock timber or other materials by the Department of Military Affairs from property acquired for use in connection with the Indiantown Gap Military Reservation."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman.	Foor,	Longo,	Rose, W. E.,
Allmond,	French,	Lovett,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan.	Sarrafa,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Greenwood,	McDowell,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Bretherick,	Habbyshaw,	McKinney,	Skale,
Brown,	Haberlen,	McLanahan.	Sollenberger,
Brunner, C. H.,	Haines,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillen,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burris,	Harkins,	Melchiorre.	Stine,
Cadwalader,	Harmuth,	Mihm,	Stockham,
Chervenak,	Harris,	Modell,	Tarr,
Chudoff,	Heatherington,	Monks,	Tate,
Cochran,	Helm,	Mooney,	Taylor,
Cohen, M. M.,	Hering,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Moul,	Thompson, R. L.,
Cook,	Hersch,	Muir,	Trout,
Cooper,	Hewitt,	Munley,	VanAllsburg,
Cordier,	Hirsch,	Nunemacher.	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Welss,
D'Ortona.	Kenahan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorowski,	Rausch,	Winner,
Elliott,	Krise,	Reauding.	Wolf,
Ely,	Lee, E. A.,	Reagan,	Wood, L. H.,
Falkenstein.	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Lelsey,	Regan,	Woodside,
Flinnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Rooney,	Young,
Fletcher,	Lichtenwalter.	Rose, S.,	Kilroy, Speaker
Flynn.			

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LOVETT asked and obtained permission for the Committee on Labor to meet during the session of the House.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR
CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 316.

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 5, by inserting after the word "advocates" the words "and adjutants of companies"; also in line 6, by inserting after the word "with" the words "the same rights and powers as though duly commissioned and qualified as such according to law including"; also on page 2, line 2, by inserting after the word "certifying" the words "the army order and the rank and company"; also on same page, line 3, by striking out after the word "held" the words "such rank"; also by striking out at the beginning of line 4, the words "such duty"; also in same line by inserting after the word "acknowledgment" the words "and containing reference to this Act."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. SHAW asked and obtained unanimous consent to address the House.

Mr. Speaker, on page 15 of to-day's calendar, Resolution No. 91, Printer's No. 623, I wish to make a very brief statement on that resolution. Mr. Speaker and Members of the House, my co-sponsor and I introduced this resolution at the request of a number of Building and Loan Associations. After the resolution came out of the Banking Committee, we took it up with the minority floor leader, who in turn contacted the Secretary of his Excellency the Governor and he was informed that there was only one vacancy on the Building and Loan Board; there was no vacancy on the Banking Board. At that time we agreed to have the resolution re-committed. Unfortunately, I was unable to do so at that time.

HOUSE RESOLUTION No. 91 RECOMMITTED

Mr. SHAW. Mr. Speaker, I move that House Resolution No. 91, be re-committed to the Committee on Banking. The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. GATES, asked and obtained unanimous consent to address the House.

Mr. Speaker, to each Member of this House at some time comes an unusual pleasure, and this morning an

unusual pleasure has been accorded to me in reporting out of Committee the two bills about which I will speak later.

At this time I wish to recall to the membership of this House that on the twelfth day of February I made a plea before this House, and I wish to quote from that particular address, page 286 of the Legislative Journal.

"We all know a change in direction is now appearing as a result of the stimulation of the Defense Program producing the dual relief of a downward movement of expenditures for public assistance and an upward movement of tax yields. This, of course, affects advantageously both sides of the budget."

At that particular time I also introduced an amendment to House Bill 230, which was a bill levying a four mill personal property tax for the State. I offered that amendment because as I said, it was a step in the right direction, by starting out to give our people some immediate relief from taxes which largely rest upon their shoulders. I offered this amendment to House Bill 230, to reduce the four mill property tax to three mills. I further quote from the statement:

"You say this is small and insignificant and I answer, 'yes,' but let us make a start and as this tax falls largely on the old people of our state who have passed the age when they are able to increase their income by personal efforts. I personally think it is making the start at the proper place by increasing the standard of living for these fathers and mothers rather than continuing to decrease their standard of living."

I at that time asked the members of the House to vote for my amendment. Again I quote, Mr. Speaker, from the Republican platform upon which I was elected, adopted in Pittsburgh on September 10, 1938. It had this to say about taxation:

"Taxation has become a serious burden upon our people. Taxes increase unnecessarily as public money is wasted on useless activities and political drones. After making adequate provisions for the necessary functions of government, public relief, assistance and social security, we pledge ourselves to reduce the State's tax load to the minimum."

If you will recall, Mr. Speaker, two years ago I offered to this House a tax program which would have completely done away with the corporate net income tax and the four mill personal property tax, but I was unable to have that bill considered because of opposition of those in high position. So, at this time, Mr. Speaker I have a great deal of pleasure in reporting to this House, House Bill No. 230 from the Ways and Means Committee, which was recommitted and is now returned to the House.

I also report House Bill 234 as amended from the Ways and Means Committee.

REPORTS FROM COMMITTEE

Mr. GATES, from the Committee on Ways and Means, reported as amended, House Bill No. 230, entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons,

copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidence of indebtedness, assumed or on which interest is paid by corporations, for further limited period of time.

Mr. GATES, from the Committee on Ways and Means, reported as amended, House Bill No. 234, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

PERMISSION TO ADDRESS HOUSE

Mr. FINNERTY asked and obtained unanimous consent to address the House.

Mr. Speaker, you all know I am one of the representatives of the great city of Philadelphia. A city with more historical sites than any city in the country. Among these historical sites is the American Academy of Music, a place where presidents of this great country have addressed the people of Pennsylvania and Philadelphia.

This morning I read in my favorite morning newspaper, the Philadelphia Record, these head lines.

"Lindy is refused use of the Academy of Music for anti-aid talk."

The meeting sponsored by the American First Committee besides being denied the use of the Academy, the committee was denied car-card advertising in the P.T.C. trolleys and buses. Radio Stations WCAU and KYW turned down the committee's request to buy advertising on the air. John Frederick Lewis, President of the Academy Corporation, confirmed his flat refusal to rent the Academy, he said:

"We don't care to rent it for such a purpose. The front of the American First Committee here, as in other cities, consists of sincere American isolationists, but the audience such meetings attracts is made up largely of lovers of Germany and haters of England. In other words, enemies of our form of Government."

Last Sunday a meeting was held in the historical Academy of all those who became citizens of our country during the last year, and was crowded to the doors. At this time we need unity, all other issues should be discarded.

I feel we all should congratulate John Frederick Lewis, the P.T.C. Company, WCAU and KYW for their stand in this matter in refusing to assist and be a part of this un-American meeting at this time.

PERMISSION TO ADDRESS HOUSE

Mr. SARGE asked and obtained unanimous consent to address the House.

Mr. Speaker, I need not tell you what county I come from. I want to address the House this afternoon on a matter that I think is of the greatest importance not only to the Members of this House but to our families as well. Inasmuch as this is what might be termed my maiden

serious speech on the floor of the House I feel the tantalizing and tempestuous turbulence that one usually feels under similar circumstances. However, I do feel a degree of comforting consolation in the knowledge that my subject, while of the greatest importance, is entirely non-partisan.

I am very much concerned and alarmed to know that although America is today, facing a great emergency and although this House has been in Session for three months, no definite action has yet been taken either to investigate or to combat the vicious and subversive teachings of un-American philosophies by foreign agents in the schools of our great Commonwealth.

We have every evidence that there are some teachers in our schools seeking to infiltrate the minds of our children with the rotten and repulsive theories of Communism and other foreign ideologies. Yet this Assembly has sat here complacently and supinely for three months and has done absolutely nothing about it. I say to you, Mr. Speaker and Gentleman of this House, that in this respect this Assembly has been inexcusably negligent and dilatory.

The President of this great Nation has appealed to all Americans for unity in the present emergency. The Governor of this great State has not only expressed his desire to comply with the President's request for unity but he has also appealed to this House to heed the request of the President by showing a spirit of unity in our consideration of those things which have to do with our American way of living.

And so being mindful of the emergency which confronts our nation today, I want to appeal to you, Democrats and Republicans of this House, to exhibit not only the spirit of Unity, but the spirit of speed and action as well, in a matter which I think you will agree with me, is of the greatest importance to our Nation and to this great Commonwealth which you and I represent, and a matter on which we have been inexcusably dilatory and neglectful.

Every day there are many editorials written in our daily newspapers giving evidence of the fact that a lot of foreign Poison is being dangled before the immature minds of our American Youth.

Day after day, reports of honest investigations show so much evidence of this sinister situation that there can no longer be any doubt in the minds of any Legislator that this danger does exist and that something should be done about it.

I feel how weak and futile must be any words of mine which would attempt to effectively bring out this great danger and our responsibility in this matter. And I could read to you, dozens of editorials which would tell you the story much better than I can, but I refrain from doing so because generally nobody listens to the reading of Editorials on the floor of the House. However, I want to take just less than two minutes to quote to you from an Editorial in "The Right of Way."

"One reads with amazement that the American Federation of Labor is considering the revocation of the Philadelphia Chapter of the teachers' union because it is alleged to be in control of Communists.

It is bad enough that Communism is permitted to bore from within at a time when our government is preparing to battle for its very life; it is shockingly outrageous to learn that disciples of Stalin are actually

being paid to teach their destructive doctrines to our boys and girls.

It is high time that the Legislature, now in session, enact such laws as will outlaw Communism in Pennsylvania. It is high time that every Communist teacher be kicked bag and baggage from his or her perch behind a school room desk.

Failure of the lawmakers to recognize their full duty in this respect will result only in an aroused public taking refuge in the Vigilante (an always regrettable and obnoxious extreme) as a court of last resort. Despite the inroads of the radios there are still a lot of telegraph poles in the country, not to mention strong arms and plenty of hempen rope. One way or another we shall have to rid ourselves of this curse of Communism or perish, and the will to live is strong within us."

Also quoting from the Rural Legislator, edited by a former Democratic member of this House "nobody can be a Communist of the Stalin cult without being a traitor and murderer at heart." The average Communist is worse than a sneak. He has the nerve to seek the protection of the very Institutions he seeks to destroy.

While there have been several bills introduced having to do with the investigation of subversive activities and with the thought of providing proper memorials for great Americans, all of which I think are commendable, I wish to talk to you particularly about House Bill No. 396 introduced by the former Speaker of this House, the Honorable Mr. Turner. This bill was introduced on February 12, referred to the Committee on Education on February 17, and has apparently been consigned to the tongueless dust from which no bill returneth. All that this Bill does, is to amend the Act approved the eighteenth day of May, 1911, so that School Boards shall have the power to terminate the contracts of any teachers for un-American or subversive teaching or activity or membership in, or support of any party engaged in un-American or subversive activity.

I can not conceive, particularly in view of the present world crisis, how anyone could object to the passage of this Bill. The Bill is certainly of a nature that can stand on its own merits, but I also think this Bill should be brought out as a courtesy to the Honorable Gentleman who presented it, even though he is a Republican. Certainly it should be easy for any Member of this House, no matter what his party affiliation might be, to concede that when a bill is introduced for a former Speaker of this House and by a man who has the Legislative experience and the integrity of Mr. Turner, it surely must be a good bill. And yet Gentlemen of the House, this very important bill has been lying in Committee for almost three months.

We are indeed fortunate that the very large majority of our teachers are good Loyal Patriotic Americans, but a few disloyal teachers in our schools are agents of a despicable system that likes to work on the immature minds of children. These disloyal puppets of a vile and pernicious theory are agents of a foreign system that teaches what? Un-Americanism and destruction of our sacred precepts of government and corruption of our American way of life.

I think as a rule, we rural Legislators have been too complacent about this situation, usually feeling that this danger only existed in the larger cities such as Pittsburgh and Philadelphia. However, what complacency I may have had, has been rudely shattered by a letter

which I recently received from one of my constituents, a young lady school teacher in the public schools, and I quote you briefly from this letter in which this young lady indicated that she is opposed to compelling school teachers to take the pledge of allegiance, and I say to you, that when a queer philosophy of this kind reaches in to such a staple and conservative County as the County of Lebanon, it is alarming and dangerous.

Mr. Speaker a few weeks ago this legislative body generously and graciously voted an appropriation of \$50,000 for the study of mastitis in cattle. It also voted an appropriation of \$3,000,000 for the study and prevention of Bangs disease among the cattle in our State.

Mr. Speaker and Gentlemen of the House—I say to you in all earnestness and sincerity that in my opinion, the children of Pennsylvania, the children of your constituents and mine, are worthy of more protection and worthy of more consideration than all the cattle in the world.

If there are teachers in our schools filling the minds of our children with the fundamentals of Communism or Nazism, then Gentlemen, our children are confronted with a contamination that is more dangerous to America than all the Bangs disease in the world. Gentlemen, let's do something now and quickly to protect our children from these "red vultures of foreign isms." We have done plenty for the cattle of Pennsylvania, now let us do at least as well for the children of Pennsylvania; and certainly the protection of our school children is a greater responsibility, a more solemn charge than the protection of our cattle.

I would like to ask what is the reason for the delay in bringing out House Bill No. 396? Is it because it was introduced by a Republican? I hope not. Does the Democratic Party wish to assume the responsibility for obstruction of anti-Communist Legislation? I hope not. Does the Democratic Party wish to deny our school boards the power to fire teachers who have un-American or subversive ideas? I hope not.

Whatever the reason for picketing this bill in Committee, I want to declare publicly on the floor of this House and have placed on the records of this Legislature this definite and true statement, "The Republican Members of this House are waiting and ready to vote for this Bill. We strongly urge the Democratic members of this House to see to it that this Bill comes out of Committee, promptly."

The Dies Committee has spent thousands of dollars investigating the activities of those foreign agents. They have issued sheaves and sheaves of reports containing hundreds of thousands of words. Investigations and reports are alright and necessary, but the time has now come for action. This is no time for complacency.

Daniel Webster has said "God grants liberty only to those who love liberty and who are always ready to guard and defend it."

And never in the history of this great Commonwealth: never in the history of America was it more evident that "Eternal vigilance is the price of Liberty." And I say to you, Gentlemen, "This Legislature can make no greater contribution to society, or to its constituents, than to protect our children by the passage of this bill."

In the name of the little children of Pennsylvania—in the name of Democracy—in the name of all that's right and decent—I now appeal to the Committee on Education

to bring out this bill against subversive and un-American teachings. What we need today is more of the spirit of Valley Forge—Antietam and Gettysburg. Let's pass this bill so quickly that the Reds will know that in Pennsylvania we have no need for them. By our prompt and united action on this bill let's show, not only the people of Pennsylvania, but let us show America and the World as well that in the Schools of Pennsylvania, we want only one ism and that is Americanism.

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, as Chairman of the Education Committee of the House, I believe it to be my duty to inform the gentleman that the bill which he has just been speaking about has been seriously considered by the Committee on Education from the time that it was first introduced. Not only has it been seriously considered, but various other bills of similar nature and character have also been given serious consideration.

It was interesting to me to read a similar resolution requesting such an investigation, and to ascertain that the Member who desired such an investigation, had made no careful study of the particular textbooks which he wished investigated, but had merely used some material from magazines to base his plea for an investigation.

Now, in regard to that angle of the matter I would like to quote from an editorial which appeared in the Philadelphia Record on February 25, 1941. That editorial is as follows:

Leading textbook publishers of the United States have taken up the challenge of the National Association of Manufacturers and others that a substantial number of textbooks used in American schools are un-American.

The charge is emphatically denied by the School Book Publishers' National Association, which appointed a committee to make the National Association of Manufacturers prove its charges by citing specific examples.

This committee includes representatives of some of the largest and most conservative publishing houses in the nation, including Houghton-Mifflin, Harper Brothers, Harcourt Brace, Lippincott and Rand-McNally.

Chief target of the textbook attack is Dr. Harold O. Rugg, dean of Columbia University's Teachers' College. Twenty of Dr. Rugg's books are in use in schools throughout the country. Many are used in Philadelphia, approved by a Board of Education that is about as conservative as they come.

Some of Dr. Rugg's accusers insinuate that his books betray sympathy for Communism. They do not. Here's how one of his books describes the Russian revolution:

"In November, 1917, a few Russian leaders, Lenin, Trotzky, Stalin and some others— seized the Government of Russia by armed force. They killed, exiled from the country or put in prison all those who opposed them. No one outside their own party was allowed to make suggestions, propose plans or vote. The small group of leaders decided how everything was to be owned, what wages should be paid to workers, etc."

Does that sound like a Communist sympathizer?

In contrasting the Russian dictatorship with the American system, Rugg says in the same book:

"Here government is decided by discussing things and voting. It is not done by shooting, rioting and

imprisonment as under the dictators of Germany, Italy and Russia."

Does that sound un-American?

With respect to the question of the bills regarding subversive teaching, it is the attitude as I gather from discussion with the various investigators and teachers, that the teachers as a group do not wish to be exempt from any regulation imposed upon any other public employe, but on the other hand feel it is not fair to them to single out the teaching profession as a group, as a profession, and level at them an accusing finger based largely upon suspicions created mostly by inaccurate reporting at home of incidents that went on in the schools.

I would like to report what a very prominent teacher of an old conservative Republican family in the City of Pittsburgh has informed me. She was reported to have been teaching Communistic propoganda because of a misunderstanding which occurred in her class, and in her explanation of the particular incident there is no question but that she was entirely misunderstood.

She has no objection as an educator, as a teacher and as a former president of the Pennsylvania State Education Association to any regulations which apply equally to all public employes.

I would like to continue to quote from the editorial which goes on to say:

Rugg's books offend the National Association of Manufacturers because they do not take the view that all is for the best in this best of all possible lands. His books do point to the obvious defects in the working of the American system. They do take notice of a depression in 1929-33. They do call attention to the enormous gap between the poorest and the richest in this country. They do point to unemployment, insecurity, and hunger in the United States.

They should. Honest history is not boosterism—and the citizens of tomorrow are entitled to have honest history taught to them.

The generation that exercises political and economic power in our time has made some grave mistakes—it has failed to meet some fundamental problems.

Those mistakes and failures will affect tomorrow. It is not honest and it is not educationally sound to cover up those errors. Rugg calls widespread unemployment an important question before the American people. It is. And the National Association of Manufacturers cannot beg the question by attempted censorship.

Not many years ago it was revealed that powerful business interests, especially utilities, were subsidizing school textbooks that denounced Government regulation of utilities.

The N. A. M. did not cry out against that. Neither did the American Legion, nor other groups now active in the textbook fight.

What these groups want are biased textbooks, biased their way.

One of the leaders of the fight in this area has said so in so many words. Mrs. Elwood J. Turner, corresponding secretary of the Daughters of Colonial Wars, charged that Rugg's books were "unbiased." She explained:

"All the histories taught 'my country right or wrong.' That's the point of view we want our children to adopt. We can't afford to teach them to be unbiased and let them make up their own minds."

Frankly, that attitude seems more totalitarian than American to us. What's more, it doesn't work. Youngsters react against overdoses of biased indoctrination.

The worst—and the best—that has been proved about Dr. Rugg's works is that they are "unbiased."

We hope the book publishers' committee succeeds in bringing that home to the public.

Mr. Speaker, it seems to me that the difficulty does not come in the purpose of various bills introduced on the subject, but does come about in the manner in which that purpose is being attempted to be accomplished. There are bills in the House which are in other Committees which probably cover the subject in a much better way. I think there is a bill, one of the co-sponsors of which is Mr. Robert Cordier—I forget the other gentleman who co-sponsored with him—I think Mr. Keneham was the other gentleman on the bill, which I think is a bill that more likely would suit the occasion than any bill which is in the Education Committee.

These bills have been and still are being considered by the committee, and they will all be acted on in due time. By that I mean that they will not be kept from a vote by the Members of the committee.

With respect to the argument or the possibility advanced by the gentleman that House Bill 396 may have been consigned to some dark dungeon because it is sponsored by a Republican, I might state that the only bills which I know of which emanated originally from the House Committee on Education which have managed to survive the test and which have also come out of the Senate Committee have been some of the Republican bills in which we have been very fair and honest about recognizing and seeing the merit of them.

If you will look at tomorrow's calendar you will find that Republican sponsored bills were released by the Committee on Education today, so that it is not a question of partisanship at all, but it is a question of the Committee seriously attempting to do a good job.

I might further say that material has constantly come to various members of the committee indicating that all of the people of the various groups interested do not support this program wholeheartedly. The Chairman of the Pennsylvania State Education Association Legislative Committee is a man named Ben Byers who is a member of the American Legion and who very definitely feels that any legislation of this sort should apply to public employees and not specifically apply to any particular group of public employees.

Before closing I would like to read a few lines of a speech which was made in the halls of Congress by a man who later became a very eminent American patriot and I say to you that if such a speech were read today by a teacher to a group of children, folks outside of the school inspired by hysteria generated by the conditions of the times, might well feel that the speech perhaps was not as American as it should have been and yet, I am certain that when I tell you the name or the person who made the remarks, there will be no question of his Americanism. This member of Congress said:

"Any people anywhere being inclined and having the power have the right to rise up and shake off the existing government and form a new one that suits them better. This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world. I or is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can, may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may

revolutionize putting down a minority, intermingled with or near about them, who may oppose this movement. Such minority was precisely the case of the Tories of our own revolution. It is a quality of revolutions not to go by old lines or old laws but to break up both and make new ones."

I submit to the Members of the House that if a teacher today would read those words in an appropriate course in problems of democracy, even in a senior high school, a twelve year class, it could very easily lead to a situation of saying that the teacher was promulgating un-American doctrines. Yet the author of those lines, the man who gave those words utterance was Abraham Lincoln, who was speaking concerning the Mexican War in the House of Representatives of the United States Congress on January 12, 1848.

So I say to you that it ill behooves us as a deliberative group of mature people, an assembly which is supposed to reason, to rush headlong into something of this nature and to allow ourselves to take a biased view of questions of such magnitude and such importance.

I also have before me a statement signed by a group of clergymen who believe in the right of free speech and who believe that if our Democratic government is to maintain itself and to progress it must be through education in our public schools. They believe that the best way to create real Americanism is to see that we do not have cumbersome laws restricting the right of free thinking and right of free speech in our school system.

There is one point more thought that I wish to leave with this group, and that is this: if it is the thought of the gentleman that we should prohibit a teacher from teaching because he or she may be a member of any political party, that the policy of the Federal Department of Justice, which I think is best qualified to take a stand in this matter, is not to go out and arrest people because they suspect them of subversive thinking or because they suspect them of subversive teaching, but it is only to make arrests and prosecutions where there have been actual violations of Federal Laws governing these subjects.

I say to you that if the policy of the Federal Department of Justice is to recognize that its attention should only be directed to violations of the law, we ought to go slow when we proceed in the same direction. I do not think that we should establish in Pennsylvania a system of legislative inquiries and prosecutions, and I believe that we here in the House should be satisfied to accept the verdict of the Committee on Education, which I am sure will continue to give these various bills their proper study. I do not believe that the subcommittee which is studying these bills is motivated by any other than the purest of reasons from the standpoint of good government, and I believe that our efforts in this direction should be directed to the other bill, which I think is a broader bill, which I think is a fairer bill and certainly has more hope of attaining the right and the merited objectives which I am sure all of us desire.

CONGRATULATORY RESOLUTION

Messrs. O'BRIEN and MELCHIORRE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 21, 1941.

Whereas, Certain members of the House are successful in many fields of endeavor; and

Whereas, One of the members of the House today celebrates his twenty-second year of marital bliss; and

Whereas, It is fitting that the House of Representatives signalize so joyous an occasion; therefore be it

Resolved, That the House of Representatives today felicitates the Honorable David M. Boies and his wife, Mabel, on this their twenty-second wedding anniversary; and be it further

Resolved, That the Chief Clerk of the House mail a copy of this resolution to the happy couple as a token of the House of Representatives's well wishes to them for many more happy and successful anniversaries.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Boies.

Mr. BOIES. Mr. Speaker and members of the House, I just want to extend my thanks to the gentlemen from Philadelphia and to the Members of the House for their kind felicitations and all I should like to say is this, I would do the same thing over.

CONGRATULATORY RESOLUTION

Messrs. CHUDOFF, TATE and VOLDOW offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 21, 1941.

Whereas, Today marks the twenty-fourth wedding anniversary of one of the members of the House; and

Whereas, During that period he has enjoyed a most happy married life; and

Whereas, His son was signally honored at a dinner in the White House by President Roosevelt; and

Whereas, All the Herman's have contributed to the renown of the name; be it therefore

Resolved, That the House of Representatives hereby congratulates the Honorable Mayer E. Herman on this, his twenty-fourth wedding anniversary, and wishes him many more to come; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House to the Honorable Mayer E. Herman, and the members of his family.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Herman.

Mr. HERMAN. Mr. Speaker, it is with a great sense of gratitude that I express my appreciation this week of the privilege of being married twenty-four years. It is not a joke especially when you have to raise a family, but as the previous speaker said if I had it to do over again I would have done the same thing. It is a great pleasure to bring up a family. I appreciate having a lovely wife and three lovely children, and in their behalf and in behalf of myself I wish to thank the sponsors of this resolution and the Members of the House from the bottom of my heart. I thank you.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur), that House Bill No. 1098, Printer's No. 296, entitled "An act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled 'An act establishing a court of record in the County of Allegheny for control

care guidance treatment placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the courts and regulating procedure therein providing for the transfer thereto of certain functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties' to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court."

be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY THE SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolver (if the Senate concur) that House Bill No. 364, Printer's No. 500, entitled "An act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' amplifying the provisions thereof as to persons entitled to such payments,"

be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 20, 1941.

Resolved (if the Senate concur) that House Bill No. 1021, Printer's No. 528, entitled "An act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

be recalled from the Governor for the purpose of amendments.

PERMISSION TO ADDRESS HOUSE

Mr. AUKER, asked and obtained unanimous consent to address the House.

Mr. Speaker, I wish to speak briefly on a matter that has come up this afternoon in relation to un-American teachings and unamerican teachers and subversive teaching and subversive teachers in our public schools, our colleges and universities.

As has been said here before, the Honorable George E. Jones and myself early in the session presented a bill to have an investigating committee appointed to investigate such teaching and teachers not only in our public schools but also in our colleges and universities, which are partly financed or wholly financed by the taxpayers money.

The previous speaker, the gentleman from Allegheny, rather intimated or implied that in introducing this bill for an investigating committee, we, more or less, went off halfcocked, that we did not read every one of the so-called Rugg text books and guides and reference books of which there are twenty. That is true, we did not read them. What brought our bill forth more than anything else was the action of private citizens of a municipality of this Commonwealth who had to go into the schools and steal books out of the school that they regarded as subversive, and when any body of citizens has to do that it is high time that an investigating committee be appointed.

There was also defended on the floor of this House a gentleman known as Doctor Rugg. May I quote? I am not going to take very much time,—I am just going to read one or two samples. Here is a pamphlet by R. Worth Shumaker, Assistant National Americanization Director of the American Legion, in which he quotes Doctor Counts, a colleague of Doctor Rugg, in which Doctor Counts says in his book entitled "Dare the Schools Build a New Social Order?"

"Almost everywhere it is the grip of conservative forces and is serving the cause of perpetual ideas and institutions suited to an age that is gone." That is on page 5. I quote further: "That the teachers should deliberately reach for power and then make the most of their conquest is my firm conviction."

In reference to Democracy, Doctor Counts writes:

"Democracy of course should not be identified with political forms and functions with the Federal Constitution, the popular election of officials, or the practice of universal suffrage."

That is from page 40.

Finally, Dr. Counts advises the teachers of the nation:

"The times are literally crying for a new vision of American destiny, The teaching profession or at least its progressive elements, should eagerly grasp the opportunities which the fates have placed in their hands."

That is from page 54.

So much for Dr. Counts. Let us go on to Dr. Rugg. Here is an extract from the Rugg social science textbooks presenting the five-year plan of the Soviet Union in a most favorable light. From "An Introduction to Rugg's 'Problem of American Culture,' published in 1931, a textbook for the first semester of the ninth grade, recently revised, I quote:

"The necessity for careful planning is now beginning to be recognized. Two things help to arouse our leaders. The first was the World War. * * * Hence, the whole must be planned. The second factor was, and is, Russia's 'Five Year Plan.'

"So are the number and kind of schools and colleges

social centres and public buildings to be erected. In fact, every aspect of the economic, social, political life of a country of 140,000,000 people is being carefully planned."

That is from page 596 and 597.

And then also from his book on "Changing Governments and Changing Cultures," a second semester textbook for ninth grade, also recently revised:

"The Five-Year plan," it is the most daring and at the same time the most scientific attempt that a large nation has ever made to plan its ways of living."

That is from page 437.

I quote again:

"There were two aims behind the plan. The first was to transform a backward farming country into a rich industrial one, one in which all wastes in the production and distribution of physical goods would be eliminated, one which would be even more efficient than America. The second was to do away with private capitalism, to set up the completely socialized state."

Then in Doctor Rugg's Teachers Guide which book only the teachers have in their hands and the parents cannot see,—and I quote from pages 126-129:

"We suggest that the new regime in Russia be discussed as a great experiment. Indeed treat all the forms of government in the world today as experimental. A central concept of the entire social science course is increasing change."

I quote further.

"Thus the socialist leaders have exactly the same fundamental education idea and purpose as have the leaders of America, that is the building up of the culture of the people by the finest kind of education." And he says in his book, "Democracy in the curriculum"; "To bring forth on this continent in the form of a cooperative commonwealth, the civilization of abundance, democratic behavior, and integrity of expression and of beauty which is now potentially available"

And then he goes on and says this in Doctor Rugg's textbook—"The Great Technology".—here is what Doctor Rugg thinks of our fundamental and basic institutions and the founding fathers.

"Second, that every form of government on earth today must be regarded frankly as an experiment tentative and to be changed as new social and economic conditions develop. The trend has revealed scores of experiments, a great variety of forms and methods of collective living. The danger is that the young nationals of each of the sixty countries will grow up with the conviction that the form peculiar to his country is of proved superiority rather than that it is one of many experiments and could very likely be greatly improved by the substitution of many foreign practices." That is from page 270.

And he goes on to say.

"Thus through the schools of the world we shall disseminate a new conception of government one that will embrace all of the collective activities of men; one that will postulate the need for scientific control and operation of economic activities, in the interest of all people."

He clearly sets forth in this book "The Great Technology" that he believes in collectivity. I don't know the brand of Americanism that Doctor Rugg lays down as a standard for me. I will take the brand of Americanism that the American Legion believes in and formulates and which the American Legion is trying to teach to the young Nationals of this country, and not the kind of patriotism, nationalism or Americanism as put out by

these men, Dr. Rugg, Dr. Counts, and by Dr. Stoddard of Philadelphia, if you please, and others of like ilk. They are deliberately seeking to brand their opinion and what kind of government we should have on our school children of tender age of the sixth grade and up rather than trying to teach facts, as facts should be taught in our public schools.

I could go on and on all afternoon, Mr. Speaker. I have here in my hand a report of investigating committees which have made investigations throughout this country, which shows that Dr. Rugg and his colleagues are very much not to be desired. This man is dangerous. He should be thrown out, together with all of his text books, and teachers like him should be thrown out of our public schools. I submit to you, Mr. Speaker, that this question does call for investigation by the Members of this House.

Referring to the \$50,000 which is asked to be appropriated, as has been previously stated by a speaker we appropriated \$50,000 for soil erosion, we appropriated a couple of million dollars for Bangs disease and so forth, but apparently we cannot spare one cent to see whether or not our school children are receiving the proper kind of education in our schools.

The Board of Education in the City of Philadelphia said that there is nothing wrong with Dr. Rugg, but they threw some of his books out of the school system and tried to whitewash the whole thing. I can show you Members of the House a report which knocks into a cocked hat the conclusions reached by the Board of Education of Philadelphia. They say that school boards are the proper people to do that. I will grant that, but when the school board refuses to do a good job it is time for the Legislature sitting down here to see that they do it.

Mr. Speaker, I ask that the Education Committee give every possible consideration to House Bill No. 201 and that this bill for the purpose of appointing an investigating committee, be reported out of committee. There won't be anything unfair about it, as the personnel of the committee is to consist of three Senators, three Representatives and three laymen, which would be undoubtedly, an unbiased committee. Certainly nothing can be lost, but everything can be gained by reporting out this bill now and that an investigating committee be appointed.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND. asked and obtained unanimous consent to address the House.

Mr. SPEAKER, I am a member of the American Legion, I am a member of the Veterans of Foreign Wars. I have just heard it quoted on the Floor of the House that the American Legion was back of a certain movement, and I want to point out to the gentleman from Blair and to the gentleman from Lebanon that all the laws in the world will not stop the growth of communism. The only way that growth will be stopped is by good government. Russia had laws that put to death those in the day of the Czars who fought the government. We read of those days in Russia when the Cossacks rode down those people who asked for more money for their work, and who asked for good food for their starving children. What did that government send them? They sent them the Cossacks. I want to point out to the Republican members of this House that in the Republican days of Pennsylvania we had those same Cossacks in State Police and in the Coal and Iron

Police who rode down those workers of Pennsylvania who asked for more living wages and food for their children. What has stopped the growth of communism in Pennsylvania was the Democratic Party who put an end to the Cossacks and an end to the Coal and Iron Police.

PERMISSION TO ADDRESS HOUSE

Mr. CULLEN asked and obtained unanimous consent to address the House.

Mr. SPEAKER, a few minutes ago my good friend, Mr. Finnerty from Philadelphia, called the attention of this House to the fact that the Academy of Music had refused to permit an American citizen to make a free American speech. In line with that and in answer to my friend from Philadelphia, Mr. Finnerty, I would like to say this, American tolerance is a thing of the past when United States citizens noted for their bravery and integrity are condemned and vilified because they voice their honest opinions and convictions concerning war in Europe.

We reap as we sow. And just as long as American sows these seeds of fear, hatred, paganism and political gangsterism, just so long will America reap the fruits of physical, political, and moral disintegration. Christian America is decaying because old world politics, fear, intolerance and paganism are preached from the highest sources in our land.

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I have five or six of the books of Doctor Rugg back here and I do not propose that we go into a Committee of the Whole to investigate them now. I do wish to call to the attention of the Members a brief part of an article which appeared in the issue of Time under date of September 9, 1940, on page 65, where under a picture of Doctor Rugg the following statement is made, after some preceding paragraphs that have described several bits of book burning. This article says:

"Last month Professor Rugg looking harassed and unhappy, rose before summer students at Teachers College denounced 'Witchhunting.' Cried he: 'Those who say that we don't believe in private enterprise lie.' Meanwhile Professor Rugg's publishers, Ginn and Co. announced that Fall orders for Rugg books were bigger this year than last."

I believe that the school boards of the Commonwealth of Pennsylvania have sufficient discretion and sufficient power to buy the text books that they believe are proper. I do not believe we should impose upon the school boards our will or our wisdom in buying certain text books.

With respect to one of the books of Dr. Rugg which I have just picked up and opened at random, while I have no interest in the question whether Dr. Rugg's books are used in the Commonwealth or not used in the Commonwealth, other than the interest that we ought to allow free speech and to that end ought not take any action which would interfere with or proscribe free speech and the privileges that we have through free speech, and I would like to read a brief page or two from a book written by Dr. Rugg called "The Building of America."

Chapter III is headed "People of Many Countries Built America," and it goes on to say:

"Look at the picture on Page 29 and see this crowd of 'Americans.' All of them live in our country, the United States of America, and all are proud to call themselves Americans.

"Very likely the parents of many of these children came from countries far away. Some may have come from Russia; others from Italy or Spain or Mexico; still others from Great Britain or Germany or Denmark. In a large group or high school pupils like this every country may seem to be represented. Yet they are all Americans.

"As we read the stories in this book we shall often ask ourselves: 'Who were the people that settled the vast wilderness that is now the United States? What people had the courage to cut down the forests, cross the plains and prairies, climb up and down the mountains?'

"The answer is that no one people did it. It was people from many lands, many countries, many races. Daring and restless people came from England and Scotland. In all, several million came from the British Isles.

"The Dutch came from Holland and the Swedish immigrants from Sweden. Irishmen filled many boats for years and years, crossing the Atlantic from Ireland to North America. Later it was the Germans, who came by the tens of thousands, and the Danes and Norwegians, and still more Swedish people.

"If you will recall the countries of Europe as you studied them in Peoples and Countries, you will notice that all these peoples we have named came from western and northern Europe. For nearly 300 years those who built America came mostly from northwestern Europe. The negroes from Africa were almost the only exception.

"Only a few years ago millions of people began to come from southern and eastern Europe. Today there are several million Italians, an equal number of Jews, and even more Slavs from Poland, Russia, Czechoslovakia, Yugoslavia, and other parts of eastern Europe.

"From Mexico, to the south of us, have come quite a number of Mexicans, and from Asia came Chinese and Japanese. From Islands in the Pacific Ocean came Filipinos and Hawaiians. From still other places came other peoples.

"So we see that many, many different peoples built our country. From all over the world they came to North America. Their children and their children's children are the people we call Americans today.

"The pictures of this chapter show some famous Americans. If you were skillful in the study of faces, you would see from the photographs that most of these men and women came from families belonging to the British Isles or Germany or Scandinavia. Indeed, the ancestors of most of our presidents, lawyers, scientists, writers, architects, and teachers were from northern and western Europe. But some of our finest artists, lawyers, musicians, and leaders in government today were born of parents from Italy or Poland, from Russia, or from other parts of eastern and southern Europe.

"Let us remember that nearly every race and every country has sent us some fine people who have helped to make our America the country that it is today."

Mr. Speaker, I wish to say again I rise to defend the action of our committee and I believe that the committee is giving the serious consideration to this matter that it deserves. I again call to the attention of all the Members that the bill which I spoke of a few moments ago, which I think is House Bill 413, and I understand it is in the Committee on State Government. I believe that whatever we do should be done so that it will apply universally and will not apply to any individual group. I did not mean to reprimand or censure the gentleman

from Blair, Mr. Auken, or to be impertinent to him, but I do recall that he indicated to me he had not read these books which he wished investigated. I have several of these books. They have been up in the Committee room for quite a while and anybody who wants to read them may borrow them from me if they will give me a receipt for them because I will have to return them to the State Library. If anybody wants to read them, I will be glad to let them have them.

PERMISSION TO ADDRESS HOUSE

Mr. READINGER asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to call to the attention of the Members that reservations are still available for the dinner to be held at Hershey Hotel next Wednesday, May 28th, in honor of our able floor leader, the majority floor leader. Tickets for the dinner may be procured from Walter Miller in the Chief Clerk's Office, and for those who do not intend to drive transportation will be made available. The evening of May 28th will be devoted to the consumption of fine food and the dissemination of good fellowship. There will be no talk on budgets or anything of that kind, and since none of the money from the tickets is going into the Democratic party coffers I expect to see a great many Republicans there.

PERMISSION TO ADDRESS HOUSE

Mr. BRETHERICK asked and obtained unanimous consent to address the House.

Mr. Speaker, I have listened with a great deal of interest to the remarks of the gentleman from Allegheny, Mr. Harkins. I have heard him prate about freedom of speech, and prattle about democracy. It seems to me if we are going to be able to maintain democracy we ought to bring this bill out on the floor of the House and let the Members of this General Assembly as a whole, pass upon its merits or its demerits. There is much to be said for it and much to be said against it but I think a bill which has aroused as much public interest as this bill has, ought to be brought on to the floor of the House so that every man in the House would have a right to cast his vote either for or against it.

I heard the gentleman from Allegheny, Mr. Holland rise to say that he was a member of the American Legion, and I too am a member of the American Legion. I want to object to the imputation contained in the remarks of the gentleman from Allegheny, Mr. Harkins to the effect that the American Legion is a selfish group, opposed to the Rugg Books. I am the president of a school board which is now considering those Rugg text books and I tell you that those books are definitely subversive. No books in all the history of this Commonwealth have tended more to create class hatred, partisanship and a feeling of hatred between brother and brother than these books have done. I do not favor an appropriation of fifty thousand dollars for the purpose of studying these books. I think the matter lies with the school districts within our Commonwealth, and I say to you gentlemen that these books are subversive nevertheless.

With regard to the bill introduced by the gentleman from Delaware, Mr. Turner, I say to you it is only fair, if we are going to be able to maintain our democracy,

that a bill of this vast importance ought to be brought on the floor of this House and passed upon by every Member on it.

BILLS SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL NO. 401.

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An Act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administration departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions, and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined," appropriating to the Department of Military Affairs, the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL NO. 66.

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

SENATE BILL NO. 270.

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view

SENATE BILL NO. 447.

An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases and repealing and lapsing certain appropriations

Whereupon,

The Speaker, in the presence of the House, signed the same.

MAJORITY REPORT OF COMMITTEE ON SOIL CONSERVATION

Mr. MOUL. Mr. Speaker, I wish to submit the report of the committee appointed by the Speaker pursuant to House Resolution No. 15, Serial No. 36, to investigate the operation and procedure of the Pennsylvania Soil Conservation Board and the extension service of Pennsylvania State College.

The report was read by the Clerk.

The SPEAKER. The report will be noted in the Journals of the House and printed in the Appendix to the Legislative Journal.

PERMISSION TO ADDRESS THE HOUSE

Mr. MOUL asked and obtained unanimous consent to address the House.

Mr. Speaker, on behalf of the majority Members of the committee who have submitted this report, I want to call the attention of the Members of the House to the fact that we have placed a complete copy of this report on the desks of each Member.

At this time I want to call particular attention to the findings of fact as noted on page '16 of that report, and the recommendations of the majority Members of the committee.

I quote from the report as follows:

1. The officials responsible for the promotion and operation of the soil erosion control program—Hon. John H. Light, Secretary of Agriculture, the State Soil Conservation Board, Dr. M. S. McDowell, director of Agricultural Extension of Pennsylvania State College—are guilty of gross dereliction of duty, having deliberately and openly refused to carry out the mandate of the Legislatures of 1937 and 1939.

2. As a result of the failure of the Soil Conservation Board to organize prior to June 13, 1939, funds for erosion control appropriated in 1937 were allowed to lapse, virtually no funds were appropriated to carry on the program after 1939 with a result that the erosion control program of the Commonwealth was almost wiped out.

3. Under the law it is the duty of the Secretary of Agriculture, ex officio head of the State Soil Conservation Board, to see to it the Board performs the functions for which it is responsible under the law. John H. Light, Secretary of Agriculture, is opposed in principle to federal soil erosion legislation, is opposed in principle to the Pennsylvania statute providing for and governing the creation of soil erosion districts. Through his personal leadership and through the activities of his department, an atmosphere of hostility and uncertainty was created which hampered the progress of the cause the State Soil Conservation Board of Pennsylvania was created to promote. The Chairman of the Board, the Secretary of Agriculture, pursued a policy of delay where sentiment in favor of the creation of soil erosion districts rendered open hostility inexpedient.

4. The Chairman of the State Soil Conservation Board of Pennsylvania was actively supported in his efforts to sabotage the 1937 act by Dr. McDowell who is opposed in theory, in practice and in principle to federal soil erosion legislation and to the Pennsylvania Erosion District Statute of 1937, and who does not intend in the future to do anything calculated to place the Pennsylvania Erosion District Statute in full force and effect.

5. The program for which the State Soil Conservation Board of Pennsylvania was primarily responsible was consistently undermined by county agents, operating under Dr. McDowell's direction, who, in a majority of instances, either openly or covertly opposed the formation of soil erosion districts. Dr. McDowell himself exerted direct pressure on his county agents with a view of inducing or requiring them to oppose the formation of erosion districts and to influence those residing within the proposed districts to vote against the district plan.

6. The activities and utterances of both the Secretary of Agriculture and the director of Agricultural Extension at the Pennsylvania State College have been persistently calculated to discourage the formation of erosion districts and promote active hostility to them.

7. Both Mr. Light and Dr. McDowell maintained the position it was not their duty to promote soil erosion by advocating the creation of erosion districts under the law, but that it was instead the duty of the Board and the duty of the Agricultural Extension executives simply to assist in the administration of such districts as were thrust upon them. On the other hand, Dr. S. W. Fletcher, dean of the School of Agriculture, Pennsylvania State College, was consistently interested in furthering the creation of soil erosion districts by means of educational and promotional programs. Dr. Fletcher's attitude, as a member of the State Soil Conservation Board of Pennsylvania, was distinctly helpful to those desirous of operating under the erosion district law. Dr. Fletcher's attitude and activities were in marked contrast to the attitude of the Secretary of Agriculture and the director of Agricultural Extension.

We recommend:

1. That the Soil Conservation Board be reorganized and be made up as follows:

The Secretary of Agriculture

The Dean of the State College Experimental Station

The Pennsylvania State Coordinator of the Soil Conservation Service of the U. S. Department of Agriculture.

Four duly elected representatives from among local soil erosion control district boards.

This will give control to the men who are intimately connected with the problem and who are working on it and will insure the farmers of the State sympathetic hearing of their problems and wholehearted cooperation in bringing to them the benefits of this national conservation program.

2. That John H. Light, Secretary of Agriculture, be cited by this House for gross dereliction of duty in his deliberate refusal to follow the mandate of the Legislature, and that he should be dismissed by the Governor if he is unwilling to cooperate during the remaining term of his office.

3. That the House cite Dr. M. S. McDowell, Director of Agricultural Extension of State College, to the Board of Trustees of State College for his refusal to cooperate in the Erosion Control program and for his failure to use the county agents of the Extension Service for the furtherance of the soil erosion program and the assistance of the districts already formed.

At the same time we would cite with approval to the Board of Trustees Dr. S. W. Fletcher for his interest and determined activity in behalf of the program. That he did not succeed is no fault of his.

4. That the House of Representatives cite Dr. McDowell to the United States Department of Agriculture for his failure to cooperate in this program.

5. We recommend that the appropriation to the Soil Conservation Board and the local districts be increased to \$57,500, to enable them to carry out the wishes of the Legislature and that it be made clear

in the Act making the appropriation that local boards are not to be denied reimbursement of proper expenses.

6. We recommend that the usual appropriation be made to Pennsylvania State College with the stipulation that funds for the Extension Service be paid only if full cooperation is given by it to the soil conservation program.

7. Our investigation has compelled us to give serious thought to the proper function of Pennsylvania State College in relation to the Commonwealth as a whole and to agriculture in particular.

It is not our function to determine the future conduct of the College in relation to any other matter other than soil erosion control. We urge, however, the State College in planning its future curricula lay greater emphasis upon preparing its students for participation in their post-college life in modern methods of farm and forestry technique.

MINORITY REPORT OF COMMITTEE ON SOIL CONSERVATION

Mr. SNYDER. Mr. Speaker, I herewith present to the House the minority report on Resolution No. 15, Printer's No. 20.

I am offering this report for several reasons. First, I feel that the report of the majority fails to cover much of the evidence produced before the investigating committee, and secondly, I sat through all these hearings and gave careful consideration to all of the evidence submitted and I am convinced that the present soil conservation law does not meet with the approval of the farmers generally in the State of Pennsylvania, and for that reason I am going to introduce a bill which I think will be acceptable to the farmers of this state.

The report was read by the Clerk.

The SPEAKER. The report will be noted in the Journals of the House and printed in the Appendix to the Legislative Journal.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 475

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you, that I have this day approved and signed House Bill No. 475, Printer's No. 51, entitled, "An act To further amend section seven of the act approved the twenty-fourth day of June one thousand eight proved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred twelve), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," as amended, to extend the original jurisdiction of the Superior Court to include mandamus and prohibition in certain cases.

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 1084

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.

To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1084, Printer's No. 227, entitled, "An Act to validate and quiet the title to real estate in this Commonwealth held by a foreign corporation unauthorized to hold the same and heretofore conveyed to a citizen of the United States or a corporation authorized to hold such real estate."

ARTHUR H. JAMES.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Cities—3rd Class, Thursday, May 22 at 9:00 a. m. in

Room 325. Game, Wednesday, May 21 after today's session in Room 324. Mines and Mining, Wednesday, May 21 after today's session in the New House Caucus Room.

PUBLIC HEARING

There will be a second Public Hearing before the Committee on Judiciary Special on House Bill No. 365 on Wednesday, May 21, 1941 at 6:30 p. m., E. S. T. in the New House Caucus Room.

ADJOURNMENT

Mr. GROSS. Mr. Speaker, I move that this House do now adjourn until Thursday, May 22, 1941, at 10 a. m.

The motion was agreed to, and (at 2:53 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, MAY 22, 1941.

No. 58.

SENATE

THURSDAY, May 22, 1941

The Senate met at 11:30 o'clock, a. m., Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, Our Heavenly Father, we come to Thee on this Holy Day. Thou did dwell here on earth and did ascend up unto Thy rightful place. We acknowledge Thy goodness and Thy love unto us and we pray, as Thou send Thy Holy Spirit unto us, that it may come into our hearts, that we may realize the great heritage we have received and we may do Thy will in the building of Thy Kingdom here on earth, in having Thy will done here as it is done in Heaven. Bless us each one that we may do Thy will on all occasions, we ask it in the Master's Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HALUSKA and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House, as follows:

House Bill No. 567, (Senate Bill No. 1000), entitled:

An Act to reenact and amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "Pennsylvania Securities Act," by providing for the registration and regulation of investment advisers and their solicitors; further defining "dealers" and further regulating dealers and salesmen; providing for service on registrants under provisions of this act; and imposing penalties.

Which was committed to the Committee on Banking.

House Bill No. 750, (Senate Bill No. 1001), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey

to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

Which was committed to the Committee on County Government.

House Bill No. 828, (Senate Bill No. 1002), entitled:

An Act to further amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (P. L. 103), entitled "The Second Class Township Law," further regulating the making of contracts and purchases by the townships.

Which was committed to the Committee on County Government.

House Bill No. 1275, (Senate Bill No. 1003), entitled:

An Act declaring and adopting the song "The Rolling Hills of Pennsylvania" as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 609, entitled:

An Act to amend section four hundred thirty-eight of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "General County Law," changing the qualifications of historical societies to receive county appropriations.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL No. 666 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 666, entitled:

An Act to amend section one of the act approved the twenty-sixth day of August, A. D. one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by including counties.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The bill as amended will be noted on Monday's Calendar.

AMENDMENT TO HOUSE BILL No. 616 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The bill as amended will be noted on Monday's Calendar.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 402 (HOUSE BILL No. 376)

The PRESIDENT. The President pro tempore announces appointment of a conference committee on the part of the Senate to confer with a similar committee on the part of the House on Senate Bill No. 402 (House Bill No. 376), as follows: The Senator from McKean, Mr. T. B. Wilson; the Senator from Butler, Mr. Carr; and the Senator from Philadelphia, Mr. Shapiro.

HOUSE MESSAGE

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 316

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 316, entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

COMMUNICATION LAID ON THE TABLE

Mr. EALY. Mr. President, I move that the communication be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 994, entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

Mr. LETZLER, from the Committee on Welfare, Public

Assistance and Pensions, reported as committed, Senate Bill No. 508, entitled:

An Act to amend section two thousand three hundred twenty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons for persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 509, entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eyeglasses or other necessary aids or services to needy blind persons or persons with impaired vision.

with the request that it be re-referred to the Committee on Appropriations after second reading.

Mr. BARR, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 906, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

BILLS INTRODUCED

Mr. BARTLETT read in his place and presented to the Chair Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one.

Which was committed to the Committee on Appropriations.

Mr. WALKER read in his place and presented to the Chair Senate Bill No. 1005, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

Mr. STEVENSON read in his place and presented to the Chair Senate Bill No. 1006, entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Which was committed to the Committee on Highways.

HONORING THEODORE ROSEN BY PLACING PORTRAIT IN CITY HALL AT PHILADELPHIA

Mr. DiSILVESTRO offered the following resolution which was twice read, considered, and agreed to:

In the Senate, May 22, 1941.

Whereas, The Courts of the County of Philadelphia and the 315th Infantry Association have honored the memory of a splendid American, the late Honorable Theodore Rosen, by placing a portrait of this distinguished soldier, citizen and judge in the City Hall of Philadelphia; and

Whereas, Judge Rosen was one who made a lasting impression upon his community because of his patriotism and sincerity; and

Whereas, Born and raised in this great country, he enlisted in the United States Army in 1917; commissioned a lieutenant in the 315th Infantry, 79th Division, he was twice cited for bravery under fire on the battlefields of France. He lost an arm, an eye and sustained twenty-four other wounds as a result of his heroic deeds, and was awarded the Distinguished Service Cross in 1919, while still in the hospital; and

Whereas, Notwithstanding such physical handicaps, he completed his schooling and was admitted to practice law in this Commonwealth. In 1922 he was appointed Civilian Aide to the Secretary of War of the United States of America. In 1926 he was appointed an assistant district attorney in Philadelphia County. In 1931 he was appointed to the bench of the Municipal Court of Philadelphia County, and in 1937 he was elected Judge of the Court of Common Pleas No. 2, in Philadelphia; and

Whereas, He was likewise active in the county, state and national affairs of the American Legion, serving as Commander of his post and as Chairman of the County Council; and

Whereas, In 1940, he enrolled for training in the Citizens Military Training Camp at Camp Meade, Maryland, and it was there that he contracted the illness which caused his untimely death; and

Whereas, The Honorable Theodore Rosen lived and died in the service of mankind, fighting for an ideal and it is fitting and proper that this service be forever dedicated to the memory of the men and women of this Commonwealth; now, therefore, be it

Resolved, That the Department of Military Affairs of the Commonwealth is hereby requested to enroll the name of Theodore Rosen among those whose memory shall be honored in imperishable stone in the city where he lived and which he loved.

RULE 39 SUSPENDED

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be suspended and the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

REPORTS FROM COMMITTEES

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT, from the Committee on Agriculture, reported as amended, Senate Bill No. 915, (House Bill No. 124), entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceeding thereunder; and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer"; defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of

orders and findings of fact of the commission relating to licenses in suits on bonds, providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers.

Mr. CROWE, from the Committee on Welfare, Public Assistance and Pensions, to which was referred resolution offered by Mr. Carr on April 14, 1941 reported the same without amendment as follows:

MEMORIALIZING CONGRESS TO PROVIDE FEDERAL FUNDS TO STATES PROVIDING ASSISTANCE TO BLIND PERSONS

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur), That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives in the Congress of the United States from this Commonwealth.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Allegheny will state his question of personal privilege.

Mr. WALKER. Mr. President, it is somewhat difficult to interest the members of the Senate or the Legislature in memorializing Congress to do this and that. Frankly I have been opposed to the policy of voting for such resolutions because I do not think it is a proper sphere for the Legislature to tell Congress what to do or what not

to do. Neither have I been in favor of getting up on the floor of the Senate, even though it has been called the sounding board in Pennsylvania, and criticizing, especially through constructive criticism, any of our public officials, and in spite of differences of opinion that might exist politically, I always resent any criticism of the Chief Executive of the Commonwealth or the Chief Executive of our Nation.

I would like to call to the attention of the Senators an article appearing in one of the Pittsburgh newspapers, not because calling it to your attention will correct the situation which exists, but I think we owe it to our State and to our Nation to take cognizance of something that has increased and is increasing in popularity in this country recently and I for one will not stand idly by without raising my voice in protest.

Some very distinguished and long dead French statesman said with regard to freedom of speech, and this statement has been repeated over and over, something to this effect: "I do not have to agree with my opponent in what he says but I will defend with my life his right to say it."

In these United States in very recent weeks there has been publicized an incident all over the Nation, in which the Chief Executive of the Nation had a difference of opinion with Colonel Charles Lindbergh, who at one time was the idol of America and Americans. Colonel Lindbergh has a certain philosophy of government, on which he has expressed himself publicly and privately, and that philosophy of government does not agree with the philosophy of government as expressed by the Chief Executive of the Nation. I think, Mr. President, differences of opinion are very healthy things and it was differences of opinion which promoted the representative form of government that has been a bulwark of our form of democracy since 1776.

Without taking sides, Mr. President, with either Colonel Lindbergh or the Chief Executive—because I still respect Colonel Lindbergh for what he has given to America in the past, and without taking sides with the Chief Executive of the Nation, as to the views he holds and the thing he is trying to do for the nation as he sees best, Mr. President, when I see an item which appears under a Philadelphia date line, over the Associated Press wires—which makes it doubly damned in my opinion, because I have always looked upon Philadelphia with a great deal of respect—it is the Cradle of Liberty; there is housed the building that is represented on the walls of this Senate Chamber—there sit a group of men who drafted our documents of liberty, guests in the City of Philadelphia, the City of Brotherly Love, the Cradle of Liberty, the home of the Liberty Bell, and under a Philadelphia headline there appears an Associated Press article which I would like to read, as follows:

LINDBERGH SPEECH ADS ARE REJECTED

PHILADELPHIA, May 21.—(AP)—The Philadelphia Transportation System announced today it would not accept trolley and bus displays advertising the appearance of Charles A. Lindbergh here next week because it considers the subject "too controversial."

The America First committee, which will sponsor Lindbergh's address at the Arena May 29, also was refused advertising time today by two Philadelphia radio stations, KYW and WCAU.

Now I say this, Mr. President, I do not care whether we agree with Colonel Lindbergh or whether we side with the Chief Executive of the Nation in the philosophy of government which they exercise but I want to say it is high time we stop kidding ourselves under war hysteria. Colonel Lindbergh or anybody else has a right to get up at any time anywhere and voice his opinion. That is democracy in operation and when we get to a situation in Pennsylvania of permitting the throttling of free speech, whether it be in this Senate Chamber, whether it be in the House of Representatives or whether it be in the Halls of Congress or on our street corners or in our public halls, we are being just as un-american as those who attempt to destroy this government by force or by subversive activities and I say to you, Mr. President, it is time we took cognizance of the fact that free speech is being throttled not only in the United States but here within the confines of Pennsylvania, and you and I, as Pennsylvanians, ought to take cognizance of it and do something about it. "Of course you can say, what can we do?" I say this, Mr. President, we can stand up in this Chamber and say to the people of Pennsylvania, who we are their representatives, we still believe in liberty, we still believe in justice and equality, and we still believe in freedom of speech, and we resent the throttling or suppression of freedom of speech, whether we are in favor of Colonel Lindbergh or anyone else, and our philosophy of government, gives him the right to stand up anywhere in Pennsylvania and make his statements and voice his opinions.

That is Americanism in operation and to those people in the City of Brotherly Love, right in the Cradle of Liberty and the Cradle of Democracy in this Country, I want to say it is high time Philadelphia looks to its past in preserving its future.

QUESTION OF PERSONAL PRIVILEGE

Mr. DENT. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Westmoreland will state his question of personal privilege.

Mr. DENT. Mr. President, recently in this Senate there was a bill known as the Walker—Cavalcante Bill. That bill as I understood it, and as I interpreted its provisions, deliberately took from a certain segment of our people the right to believe and say the things they desired to believe and say. In the voting on this bill I stood out probably as the one "no" vote on the measure.

Mr. President, I recently received a resolution from the Westmoreland County Council of the American Legion, which I would like to read to the members of this Senate. It is as follows:

"THE AMERICAN LEGION

"DEPARTMENT OF PENNSYLVANIA

"Westmoreland County Council Resolution

"Whereas, John H. Dent, State Senator of the 39th District, Westmoreland County, Penna., has voted against Senate Bill No. 172.

"And Whereas, Senate Bill No. 172 would eliminate from our Election Ballot, the name of any Political Party or Parties, that advocate the over-throw of our Government by force or violence.

"And Whereas, Senate Bill No. 172 should have had the support of every true American Citizen.

"Now Therefore, It is resolved that the Westmoreland County Council of the American Legion go on record, condemning the action of Senator John H. Dent for voting against the Senate Bill No. 172 and that this Resolution be spread upon the minutes of this organization, and that a copy be sent to Senator John H. Dent.

"Resolution unanimously adopted at the regular meeting of the Westmoreland County Council of the American Legion, held at West Newton on Wednesday, April 16, 1941.

"C. P. LARRABEE, Sec.,

"Westmoreland County Council,

"American Legion.

C. R. BARCLAY, Chairman,
Westmoreland County Council,
American Legion."

In reply to the resolution, Mr. President, I penned this epistle yesterday.

"Mr. C. R. Barclay, Chairman,

"Westmoreland County Council,

"American Legion.

"Dear Mr. Barclay:

"I have just received a Resolution passed by the Westmoreland County Council of the American Legion, and in which, I find that I have been condemned for my Legislative action in voting against Senate Bill No. 172.

"It may interest the County Council to know that no where in the bill is there anything that specifically details what persons or parties would be eliminated from the official ballot.

"I took the position that this bill was born in a moment of hysteria, and that a strict application of its provisions would cause an unfair situation. I say this because the Governor, the Attorney General, and the Secretary of the Commonwealth are always members of the same political party, and if they so desired, they could remove from the ballot, any persons or parties of an independent nature, thereby, obstructing the proper process of Democratic Government.

"I further stated on the floor of the Senate that the thing to do with Communists, Fascists, and Nazis, would be to allow them to be out in the open, where you and I, as good Americans could count them, and by so doing, present our defenses against them.

"I can say to you, that many Senators expressed the same opinion, but lacked the political courage to vote their convictions. It has always been my belief that if we vote honestly on legislation, we can depend upon the good judgment of unbiased citizens.

"Your resolution fails to take cognizance of the fact, that the Miller Bill, which specifically outlawed Communist Teachers, who mold the opinions of the youth of our state, was supported whole-heartedly by me. In so doing, I took the position that School Teachers have sufficient safe-guard against any political frame-up and that in their cases, if the charges were proven against them, then they should be dismissed.

"Pertaining to the third whereas clause in your resolution, "Senate Bill No. 172 should have had the support of every true American Citizen." I wish to say that my Americanism has never been questioned and measured in

the light of my past performances. I do not hesitate to consider myself a true and good American Citizen.

"This may be incidental, but I think that it would be enlightening to some of the Members of the County Council to know that I, too, have served in the Armed Forces of our Country. I have served in the United States Marines for four full years, in the Aviation Corps, and if the occasion arises, where I can be of any service to my Country, rest assured that I stand ready at all times.

"Ever since I have been in Harrisburg, I have cooperated on the Americanization Program of the American Legion. I have always cooperated in the Scholarship Awards and intend to do so, so long as I am in my present position.

"I regret that I was not given an opportunity to present my case to the Legion before action was taken. However, if at any time in the future, I can be of any service to the Members of the Legion, I will continue as I have in the past, to always comply with their wishes.

"If the Legion will extend me the courtesy of an opportunity to present my side of the story at one of their meetings, I will be grateful for the same.

"Assuring you that I always try to give the other fellow the same privilege and opportunity that I, myself, desire, I remain,

Very truly yours, JOHN H. DENT."

I feel as does the gentleman from Allegheny, Senator Walker, only a man does not have to have a name like Colonel Charles A. Lindbergh, who was an outstanding hero at one time to the people of Pennsylvania, to get from me the same consideration that I would want for myself. I have always stood firm for the right of all persons to stand up and say the things they want to say, when they want to say them and where they want to say them. I believe in that principle deeply and that is why I voted against Bill No. 172, because it fundamentally took away from the people of this State of Pennsylvania certain rights which were theirs under the Constitution and the Bill of Rights.

I stand on that position and I will continue to stand on it, Mr. President.

The difference in conditions presented in Bill 172 and Charles A. Lindbergh is this; 172 controls persons who talk loud and long in their denunciations but now we allow Lindbergh to go around the country entirely upon his past record, that same Lindbergh whose feat was duplicated by an Irishman who did not even know where he was going, if you please, in a worse crate than Lindbergh flew.

At the time Lindbergh flew across the ocean I was serving my country in the Island of Haiti and when Lindbergh was on his goodwill tour he flew to the field where I was and I had to take care of his ship and give it a routine inspection and if ever a man took a blasting—you should have heard what I got when he landed there.

That man has no tolerance for opinions of others, and yet I think he ought to have the right to say and do all he can for Nazi Germany, if that is what he wants to do. I do not feel that way about it.

Now he says, because he is mad at President Roosevelt, he does not have to serve in the army. Well, I have a kid brother who is about to be drafted. I wonder if he would pick a fight with Roosevelt whether he would not have to join the army.

I do not believe in the things Lindbergh believes in; I am wholeheartedly against the things he stands for. I am wholeheartedly in favor of full fledged support to England, because to me there is no greater danger of this country being destroyed than by the very men like Lindbergh and the men whom he represents. It was that kind of argument that has caused the downfall of every nation in Europe, which is now under the heel of the Germanic Hitler over in Germany and the Fascists in Italy.

I want to say that is the type of persons who are today trying to blind the people of this country most to the real threats and the real dangers in which we find ourselves, and just because he happens to be Charles A. Lindbergh he can get away with things that you and I could not possibly get away with—we would be lynched to the first telephone pole if we would stand up and say the same things he does.

What if I refused to serve in the armed forces of this nation? Would I be treated like he has? I would be called a slacker like Bergdoll and that is all he is.

However, Mr. President, I agree with the gentleman from Allegheny, if he wants to say it he has a right to say it, and of course we have a right to disagree. I want to tell the American Legion I want for myself the same rights I want for Lindbergh and, if I am wrong I will stand the consequences.

Mr. WALKER. Mr. President, I want to assure the gentleman from Westmoreland, Mr. Dent, that I appreciate his comments on the newspaper article which I read to the members of the Senate. I do not want to confuse the issue; I do not want even in jest to suggest to the gentleman from Westmoreland that even though Colonel Lindbergh, when he was just a Captain and making a goodwill tour, dusted off a grease money in Haiti, I do not think that should confuse the issue between freedom of speech and subversive activities.

I want to say in all seriousness that fundamentally the gentleman from Westmoreland is entirely correct; he can hate the individual that is involved, he can despise the ground upon which he stands, but here he can get up on the floor of this Senate to say this man Lindbergh has a right to express his philosophy of government.

As to whether or not there is a difference between the Communist Party, their opinions and what they are doing, and Colonel Lindbergh and what he is doing, that is a debatable issue which has many collateral points, and I do not want to confuse the issue on the minds of the members of the Senate in presenting this discussion this morning.

Mr. President, I want to impress upon the members of this Senate the fact that freedom of speech, regardless of collateral issues, is being seriously denied to Americans in the Commonwealth of Pennsylvania, and regardless of any of the individuals involved I say to you as members of the Senate that it is time we took cognizance of what is happening and attempt to stamp it out, because regardless of whether we agree with Lindbergh or President Roosevelt or Senator Dent or Senator Walker, any and all of those individuals pass into insignificance as long as the philosophy of government we represent is being threatened.

We should gladly and willingly extend that right to any American as long as there is freedom in this country, but the minute you try to stamp out these conditions by

ignoring them, by ignoring them and by disregarding the principles of free speech; the minute you start that freedom in Pennsylvania and in the United States is on the downward path and that is why I urge you, even though this is one of those sleepy Thursday sessions, that we do recognize in our own minds and hearts that we are standing on the threshold of elimination of free speech, which has been a foundation stone of this nation for almost two hundred years.

Mr. COLEMAN. Mr. President, listening to the discussion on the floor of the Senate this afternoon my mind went back to the Revolutionary Days and the formative period of American history. We have contributed to this nation the best of all the great people of the European countries. The English came to give us the many great institutions, dating back many, many centuries; the Dutch came to encourage faith and commerce; the Jews came solemnly on business; the French came with a touch of spontaniety; the Spaniards came with a touch of the spirit of bravado; the Irish came to help us with their humor which has aided in our American history, and so from the cold practicality of Scandinavia to the warm impulsiveness of the people of Southern Europe we had contributed to these shores the greatest people in all the world and their coming has been one of the most thrilling stories of human history. They came here to build a home, a church and a school, thereby laying deep and strong the foundation of a future liberty that may be the last hope of the world. I have a great deal of respect for the nation that has taken my family—my mother and father—and absorbed it into this great American way of life.

Mr. President, I am a great believer in freedom of speech. One of the greatest orators of American history was Bob Ingersoll, who was a contemporary of Abe Lincoln. Bob Ingersoll, I believe, for brilliancy of language and profundity of thought, was one of the greatest orators of American history. Bob, however, was an agnostic—one particular thing with which I disagree—but Bob believed that his religion was doing good on earth and he said something on one occasion I think my good friend the gentleman from Allegheny, Senator Walker, will be entirely in accord with. Some of the Republican leaders of the State of Illinois visited Bob Ingersoll in his office around 1860, sat down with him, and told Bob, "You can be Governor of the State of Illinois if you will cease your attacks on the church," and Bob looked at these people, who represented the leadership of the Republican party in those days, and who could very easily have guaranteed him, just by a promise, that if he would cease his attacks on religion, promise him Governorship of the State of Illinois, and he said, "Gentlemen, my religion is my own, doing good on earth here is my religion, and I would not smother the sentiment of my heart to be emperor of the globe."

That is a great spirit, I think, my good friend from Allegheny, Senator Walker, is defending. I have always been a great admirer, up until recently of Colonel Charles A. Lindbergh, I shall not forget, as will not 130,000,000 other Americans, when this fellow came from the mid-west in 1926, unheralded and unsung, and flew, without any fanfare [without any] panoply, across the ocean, alone and unaccompanied. His action, his deed, was a dramatic illustration of the possibilities of American boy-

hood imbued with a firm determination to make good, and he won world wide acclaim, Americans drew Charles A. Lindbergh into the hearts, everybody who observed that particular incident; he won their love, challenged their respect and compelled their admiration.

This nation has been very, very kind to Charles A. Lindbergh. True it is he had an unfortunate occurrence, an unfortunate tragedy in his home, but the people of America and the American nation were in no way responsible, because what happened to him challenged the universal sympathy of the people of America generally.

Because Charles Lindbergh flew the Atlantic and flew across the Atlantic Ocean does not qualify him in my opinion as an expert on military affairs, and while I think we ought to have freedom of speech I sharply disagree with what Charles Lindbergh is doing here in America. I certainly think that we ought to permit everybody to express their opinion, but Charles Lindbergh I think is going just a little bit too far; he is going a little bit too far in the nation that has cradled him, the nation that has given him freedom and world-wide fame, and while I ordinarily would grant anybody the right of freedom of speech, I think Charles Lindbergh by his utterances is encouraging the gentleman who has thoughts, who has aspirations of world domination, and I want to publicly enter my protest to speeches delivered by Charles Lindbergh, no matter where they are delivered. I do not think anybody who is a proponent of democracy today ought to go to any lecture at which Charles Lindbergh is expressing what I think is necessarily a biased opinion.

I do not believe we ought to hide our heads in the sand, in not being cognizant of what is happening beyond here, neither, however, do I believe we ought to permit anybody by their public utterances to lend succor to people who want to destroy our American way of life and I want to join with my good friend, Senator Dent—John H. Dent—who at the age of sixteen gave four years of his life to the service of the American Nation. We ought to have freedom of speech but there is a line of demarcation, which reminds me of somebody's description of liberty, that liberty ends where the other fellows begin.

Mr. President, I want to add my humble word of protest and agree with the gentlemen in Philadelphia who are responsible for the suppression of Colonel Lindbergh's speeches, which I think are against the American Nation.

Mr. EDMONDS. Mr. President, now that we have paid just tribute to free speech, the merits of which have been illustrated, I suggest we now proceed to consideration of the Calendar.

Mr. DiSILVESTRO. Mr. President, a couple of weeks ago, there was being considered in connection with a bill which was sponsored by the gentleman from Luzerne, Senator Miller, and I made a statement that there are certain spineless jelly fishes, mollycoddles in our land today. I feel every member in this Senate and our friend John Frederick Lewis ought to pay a little more attention to somebody really nearby, in the City of Philadelphia, right in the city hall, rather than by losing time going after Lindbergh, whom I too despise and detest for speaking as he does at a moment like this when the world is in turmoil.

Mr. President, I suggest that John Frederick Lewis look in the city hall in Philadelphia for a certain class of individuals he will find there. I will keep on referring

to my friend the spineless jelly fish and mollicoddle who resides in city hall.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on third reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 262, entitled:

A Supplement to the act approved the twelfth day of June, one thousand nine hundred and thirty-nine (P. L. 335), entitled "An act creating a temporary commission to examine, report upon, and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State, and making an appropriation of the expenses of such commission," by extending the term of such commission until the next regular session of the General Assembly; and making an appropriation.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Kephart.

Mr. GELTZ. Mr. President, may I say to the gentleman from Philadelphia, Mr. Shapiro, that if there is any question about this bill I would suggest that it go over in its order until Monday.

Mr. SHAPIRO. Mr. President, I would like to have it go over in its order until Monday.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 262, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382), on third reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 301, as follows:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Superintendent of Public Instruction shall have power to investigate the need for and to establish supervise and conduct practical arts and vocational agriculture home economics and industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and occupational adjustment of out-of-school unadjusted persons over sixteen years of age who have left school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools classes and adjustment offices in an effective manner and to pay from the appropriation made by this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of such schools departments or classes and from Federal funds provided for the development and further development of vocational education and for the salaries of said teachers supervisors and coordinators

Section 2 No practical arts or vocational agriculture homemaking industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 If during the first fiscal year any appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts allocated to them on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from state funds

Section 4 The sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred forty-one and shall remain in force until May thirty-first one thousand nine hundred forty-three

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Deltrick,	Kephart,	Tallman,
Bartlett,	DiSilvestro,	Letzier,	Taylor,
Carr,	Ealy,	McGinnis,	Thomas,
Cavalcante,	Edmonds,	McQuiddy,	Tyler,
Crapman,	Farrell,	Ruth,	Wade,
Coleman,	Geltz,	Shapiro,	Walker,
Cox,	Haluska,	Snowden,	Wilson, H. I.,
Crider,	Heyburn,	Stevenson,	Woodward,
Crowe,	Homsher,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 443, on third reading, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 454, (House Bill No. 107), on third reading, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth, providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation," as amended, by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired.

go over in its order, the bill not being up from the printers.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 491, on third reading, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties.

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 500, (House Bill No. 708), entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I would like someone to explain this bill to me. I do not want to interfere with its passage but it seems to me it provides for a revival of taxes which have long since been overdue and given up by the collector.

It seems to me that the bill ought to be further considered before it is passed.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 500, (House Bill No. 708), on third reading, go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 522, on third reading, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board; and imposing penalties.

go over in its order, the bill not being up from the printer.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 529, on third reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 559, on third reading, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 571, as follows:

An Act making an appropriation to the Local Government Commission to continue its work

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) together with the unexpended balance of the moneys appropriated for the two fiscal years ending May thirty-first one thousand nine hundred forty-one or so much thereof as may be necessary are hereby specifically appropriated and reappropriated to the Local Government Commission created by the act approved the twenty-ninth day of May one thousand nine hundred thirty-five (P. L. 244) for the two fiscal years beginning June first one thousand nine hundred forty-one to continue the work of the Commission and to make a study of and a report on a simplified efficient and less expensive system or systems for the collection of delinquent taxes of local government and for the payment of the expenses of the numbers of said commission for the payment of the compensation and expenses of the secretary counsel and other appointees of the commission for printing postage supplies telephone telegraph and miscellaneous expenses and generally for the purpose of carrying into effect the provisions of said act

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I should like to ask the amount of appropriation, if anybody knows.

Mr. SHAPIRO. Mr. President, it is ten thousand dollars.

Mr. WALKER. Mr. President, is the bill in our desks.

The PRESIDENT. The Chair understands it is; Printer's No. 147.

Mr. EDMONDS. It is in my desk.

Mr. WALKER. That is all I ask, Mr. President. It is not on my desk but I am advised copies are on the desks of some of the Senators. I do not like to have bills in which I am interested passed up because they are not on our desk and have others voted on for the same reason.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	Deltrick,	Homsher,	Stiefel,
Bartlett,	Dent,	Kephart,	Tallman,
Carr,	DiSilvestro,	Letzler,	Taylor,
Cavalcante,	Ealy,	McGinnis,	Thomas,
Chapman,	Edmonds,	McQuiddy,	Tyler,
Coleman,	Farrell,	Ruth,	Walker,
Cox,	Geltz,	Shapiro,	Wilson, H. I.,
Crider,	Haluska,	Snowden,	Woodward,
Crowe,	Heyburn,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 649, (House Bill No. 971), on third reading, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths and to repeal sections fifteen and one-tenth and fifteen and two-tenths of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens

go over in its order, the bill not being up from the printer.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 655, on third reading, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

go over in its order.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 787, on third reading entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator of employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 787, on third reading entitled:

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operators license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public service company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 2, after the word "county" and before the word "may," by inserting the following words: "of the second, third, and fourth classes"; Amend Section 1, page 2, lines 5 and 6, after the word "board" in line 5, and before the word "Such" in line 6, by taking out the following words: "and in those counties where there is no salary board by the county commissioners"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. CHAPMAN. Mr. President, I desire to offer an amendment.

The amendment was read as follows:

Amend Title, page 1, line 8 of the title, after the word "county", by inserting the words: "in counties of the second, third, and fourth classes."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILLS OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 46, on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, at the request of the sponsor, I ask unanimous consent that Senate Bill No. 54, on second reading, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, at the request of the sponsor, I ask unanimous consent that Senate Bill No. 55, on second reading, entitled:

An Act to add clause twenty-two to section seven hundred and two of the act, approved, the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the laws relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 213, on second reading, entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 387, entitled:

An Act to further amend clause (8) of subsection A of section one thousand two hundred eight and section one thousand two hundred nine of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corpo-

rations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations; of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further changing provisions relating to authorized investments of savings banks not under special charter and special charter savings banks.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Mr. President, may I say to the gentleman from Philadelphia, Mr. Shapiro, I intend to move that this bill be recommitted.

Mr. SHAPIRO. I should like to know the purpose of the bill, Mr. President.

Mr. EDMONDS. The purpose of the bill, Mr. President, is that there were a number of bills sent in by the Housing Authority to allow investment by banks, saving fund and trust companies, fire insurance companies, life insurance companies and everything else, in housing bonds. This bill relates to saving fund societies particularly. They were turned down by the various committees that had them under consideration and later on there was an appeal from one of the saving funds.

This bill is being revived on the ground that is a safe investment and therefore they could properly from that point be reconsidered.

Personally, Mr. President, I am opposed to this bill. After all, guaranteeing that security I think is a mistake, as it will make an investor more careless than if he had to stand on his own judgment. That is why I am opposed to this kind of legislation, but there is a demand and the demand comes from reputable authorities with reputable business back of it and I am willing to alter my own judgment in the matter.

BILL RECOMMENDED

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 387, the bill just read, be recommitted to the Committee on Banking.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts, to file tax and municipal claims, not filed within the time specified by law and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on second reading, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order, the bill not being up from the printers.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 618, entitled:

An Act to further amend section two of the act, approved the sixteenth day of June, one thousand nine hundred thirty-three (P. L. 252, 1933-34), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers providing penalties; and repealing existing acts," by permitting clubs to waive or reduce dues payable by members in military service.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 619, entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties," by permitting clubs to waive or reduce dues payable by members in military service.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 552) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds

by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties," by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 658, (House Bill No. 510), entitled:

An Act to amend section five of the act, approved the second day of July, on thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday, providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws," by changing the method and time whereby future referendums be initiated and held.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. LETZLER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 5, page 2, line 23, by inserting underscoring under the word "four".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 724, on second reading, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative

departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of the deputies and all other assistants and employees of certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards, and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

go over in its order, the bill not being up from the printers.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 740, on second reading, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 748, (House Bill No. 218), on second reading, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 770, on second reading, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 803, entitled:

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 8), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," making the said information available to county institution districts and city departments of welfare.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 838, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, the site of Fort Zeller in Lebanon County and land adjacent thereto, as a recreational spot for the people of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 839, entitled:

An Act to further amend Section 7 of the act, approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale, or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or instalment plan, or

of assuming fixed obligations, or issuing, in connection therewith, a contract based on payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some future time, with or without profit; and imposing penalties," requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 843, entitled:

An Act to further amend section two hundred nine of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further prescribing the compensation of the Lieutenant Governor of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 913, on second reading, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 46 CALLED UP

Mr. COLEMAN. Mr. President, I now call up Senate

Bill No. 46, page 11 of the Calendar, which went over in its order.

Mr. SHAPIRO. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

On the question,

Will the Senate agree to the bill on second reading?

Mr. COLEMAN. Mr. President, the gentleman from Warren, Dr. Chapman has removed the objection I had to the bill, which previously caused me to request that it go over in its order. It is now all right with me to have it read.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 204, on first reading, entitled:

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal

go over in its order, as it is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 209, on first reading, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 290, (House Bill No. 374), entitled:

An Act to add clause (e) to section four of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to

accept deeds in lieu of foreclosures and prescribing the effect thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 428, entitled:

An Act to amend section nine hundred and one of, and to add section nine hundred and one-tenth to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by limiting the offense of burglary to certain acts committed by night, and making entering buildings in the daytime, with intent to commit a felony therein, or breaking and entering buildings in the daytime, a felony.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 468, (House Bill No. 70), entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 486, entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 501, (House Bill No. 710), entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years and validating the liens of such taxes

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 560, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, ac-

counts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business; of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain old legacies, with notice by publication but without the issuance of a citation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 601, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 633, (House Bill No. 949), on first reading, entitled:

An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

go over in its order, as the bill is not up from the printers.
The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 667, entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 688, (House Bill No. 885), entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 697, entitled:

An Act proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 701, (House Bill No. 404), entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 730, (House Bill No. 647), entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class; the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 731, (House Bill No. 960), entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 753, (House Bill No. 645), entitled:

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws thereto," by requiring all contracts of county commissioners, in counties of the second class, over five hundred dollars to be made with the lowest and best bidder, after due notice published.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 757, (House Bill No. 717), entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 771, (House Bill No. 1240), entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (P. L. 900) and for searches of the files and records when no certified copy is made.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 772, (House Bill No. 1253) on first reading, entitled:

An Act providing a method of annexation of parts of townships now owned by and contiguous to cities of the first class and regulating the proceedings pertaining thereto go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 773, (House Bill No. 1255), entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 785, on first reading, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 791, (House Bill No. 104), entitled:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 802, on first reading, entitled:

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 806, on first reading, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered,

and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 822, on first reading, entitled:

An Act to further amend section one thousand two hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 858, (House Bill No. 192), entitled:

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 888, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 889, on first reading, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 893, (House Bill No. 525), entitled:

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 901, (House Bill No. 1259), entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 922, (House Bill No. 900), entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 930, (House Bill No. 1588), entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by limiting to eleven and three-quarter mills the total school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. THOMAS. Mr. President, I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORT FROM COMMITTEE

Mr. GELTZ. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ, from the Committee on Appropriations, reported as committed, Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one.

Mr. GELTZ. Mr. President, this bill, which is an appropriation bill, Senate Bill No. 1004, was just introduced today but in view of the fact that it is an appropriation bill, amounting to eleven million dollars, in order that relief shall not be discontinued on the first of June or at the beginning of the next biennium, and because of the fact that the appropriation bills have been tied up for such a long period in the House, without this bill being passed those people on relief who are in need and hungry would not get the relief necessary because of the tie-up which has occurred.

MOTION TO READ BILL THE FIRST TIME

Mr. GELTZ. Mr. President, because of the urgency of this appropriation measure, I move that the Senate do now proceed to the first reading of Senate Bill No. 1004 reported from committee for the first time at today's session.

Mr. WALKER. Mr. President, I second the motion.
It was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty first, one thousand nine hundred forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SHAPIRO. Mr. President, I second the motion.
The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 508, entitled:

An Act to amend section two thousand three hundred twenty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 509, entitled:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment, surgical operations, eye-glasses or other necessary aids or services to needy blind persons or persons with impaired vision.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 906, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 915, (House Bill No. 124), entitled:

An Act to reenact and amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment of milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of sub-

poenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 994, entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, May 26, 1941, at 3:30 o'clock, p. m. Eastern Standard Time.

Mr. BARR. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 1:15 o'clock, p. m., Eastern Standard Time until Monday, May 26, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, May 22, 1941

The House met at 10 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O Lord and Saviour, be not wroth with us as we look up into heaven praying for the manifestation of Thy might in this wicked world. Our best efforts seem to fail, and dreams of holiness for ourselves and our fellowmen are so far from realization. We long for greater progress in the building of the heavenly Kingdom on earth and we often yearn for Thee to bare Thy holy arm in the sight of all the nations. Teach us to patiently await the coming of the Spirit and to trust his power to make us living and effective witnesses unto the ends of the earth. Hear our prayer. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. HERSCH, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. McFALL and ELLWOOD B. WELSH.
HOUSE BILL No. 1767.

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators.

Referred to the Committee on State Government.

By Mr. PRESLEY N JONES. HOUSE BILL No. 1677.

An Act to prevent the concealment of assets and the evasion of inheritance or transfer taxes by prohibiting the delivery or transfer of certain personal property belonging to or standing in the name of a decedent or belonging to or standing in the name of a decedent and one or more other persons, unless and until the Department of Revenue or its designated agent has been notified of an consented in writing to such transfer or delivery; prohibiting the concealment of assets for the purpose of evading inheritance or transfer taxes; and providing penalties.

Referred to the Committee on Judiciary General.

By Mr. SHAFFER. HOUSE BILL No. 1678.

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by removing certain limitations of the appointment of district superintendents.

Referred to the Committee on Education.

By Mr. PRESLEY N. JONES. HOUSE BILL No. 1679.

An Act to enable the county commissioners of counties of the fourth, fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Referred to the Committee on Printing.

RESOLUTION INTRODUCED AND REFERRED

By Mr. CORDIER. (Concurrent) RESOLUTION No. 96.

In the House of Representatives, May 21, 1941.

Whereas, There is now pending before the Congress of the United States, a bill which provides for the regulation and restrictions of natural gas and oil line extensions; and

Whereas, Such legislation, if passed, would result in a conservation of the natural resources of this country; and

Whereas, It would further result in establishing fair competition between the anthracite industry and other fuel producing industries, so that both might achieve a stabilization and a comparatively prosperous condition;

Whereas, Such a result would be highly beneficial to all these industries, as well as to the Commonwealth of Pennsylvania; and

Whereas, The enactment of such legislation would further control the transportation into the State of products of other states in direct competition with those produced in our own; be it therefore

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorializes Congress to pass such legislation in the interest of national defense and national prosperity; and be it further

Resolved, That a copy of this resolution be mailed to all Congressmen and Senators representing the Commonwealth of Pennsylvania, urging them to use their fullest efforts in order to effect the passage of this remedial legislation.

Referred to the Committee on Rules.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, as I said in a speech a few weeks, ago, I am a very modest fellow, and I wouldn't for anything blow my own horn, but again I cannot resist the temptation to renew remarks that I made a short time ago when the Liquid Fuel Tax Bill was being debated by this House. You will recall at that time I made some remarks about the possibility of curtailment of the use of gasoline and made mention of the high price of gasoline which is the deterrent to its use which existed during World War I, and the gasless Sundays, which of course further curtailed the use of it.

At the time I was answered by the majority floor leader of this House by stating that he had investigated the facts and found that there was plenty of oil on hand and that there was no need to be concerned about gasless Sundays or a shortage of gasoline.

Making a budget for two years is making a budget for a long time, particularly in these times when it is difficult to foresee exactly what is going to happen over such a long period of time, and I really had no hope of being justified in my prediction quite as soon as I have been.

Those of you who have been following the papers may have noticed that not the cabinet members, not any minor officials of the government of the United States, but the President himself, realizing that the situation was serious enough to warrant attention directly by him, made a statement this week stating that the use of gasoline on the eastern seaboard, which includes the state of Pennsylvania, would have to be curtailed in the very near future if certain things were not done quickly, and a review of those things which must be done will show that it is practically impossible for them to be done quickly.

I am going to make reference to an article which appears in the issue of May 26th of "Time" magazine which is just off the press:

"For months," the article starts, "the U. S. has been heading towards a transport bottleneck. Last week it was just around the corner, and so, as a result, were gasolineless Sundays."

Then it goes on to explain about the transfer of fifty tankers, reducing the number of tankers hauling gas and oil from a total of 345 to 295, and it calls attention to the fact that 25 of those have already been transferred, and states that when the second 25 follow soon, the seaboard oil stringency will be acute.

"Already Standard Oil Company of New Jersey has begun to convert part of its great Bayway, New Jersey refinery to burn coal instead of oil. This week Socony announced it would follow suit and that it had already converted the heating system of its downtown Manhattan office building." * * * "The East has enough surplus of stored gasoline for thirty-one days."

When that supply is exhausted, or approaches exhaustion, it will be necessary and the government will require that the use of gasoline on the eastern seaboard be curtailed.

And what is it necessary to do in order to get this gasoline into the Eastern Seaboard? It is impossible to haul it in sufficient amounts by railroad, and it is necessary to build new pipelines. The article goes on and points out that some companies are prepared to spend up to seventy-five million dollars for this job, and claim they could finish it in six to nine months if, and here is an awfully big "If", if they can get the steel. States of this Union, a number of them, refuse to permit the building of oil lines through them, or

have such rules and regulations concerning them that they deter the building and use of oil lines in those states. Those things will have to be overcome, but in spite of all those facts we have here on hand in the Eastern Seaboard a thirty-one day supply of gasoline, and as that amount decreases the government will unquestionably, as suggested by the President of the United States himself, begin the curtailment of the use of gasoline in the state of Pennsylvania and the other eastern States.

That will mean that the estimates of the Liquid Fuel tax made by the Commonwealth of Pennsylvania and the Department of Revenue are themselves too high in consideration of those facts, let alone the estimates which have been made by the gentleman from Monroe, Mr. Achterman.

Mr. Speaker, I am a very modest person; I wouldn't want any of the members to refer to the Journal and see the predictions I made about two weeks ago when there was no public mention by any of the officials of this situation, and when there was nothing in the press or the news magazines about it.

REPORTS FROM COMMITTEES

Mr. MARKS, from the Committee on Cities—Third Class, reported as committed House Bill No. 1556, entitled:

An Act to add section four thousand four hundred ten to article forty-four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," imposing penalties for violations.

Mr. SCHWAB, from the Committee on Cities—Third Class reported as committed House Bill No. 1670, entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

Mr. PRESLEY N. JONES, from the Committee on Cities—Third Class, reported as committed, House Bill No. 189, entitled:

An Act to amend section 2002 of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto"; providing that council shall designate the chief and other officers of the police force.

Mr. PRESLEY N. JONES, from the Committee on Cities—Third Class, reported as committed House Bill No. 1293, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities of the Third Class the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas, and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities of the third class.

Mr. BURRIS, from the Committee on Game, reported as committed House Bill No. 1226, entitled:

An Act to amend section one thousand two hundred and eleven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225),

entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for payment of one-fourth of fines collected for violations of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen and justices of the peace.

Mr. GROSS, from the Committee on Cities—Third Class, reported as committed, House Bill No. 1578, (Senate Bill No. 284), entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

Mr. REUBEN E. COHEN, from the Committee on Liquor Control, reported as amended, House Bill No. 329, entitled:

An Act to further amend the definition of "Restaurant" in section two, and section four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," eliminating some of the requirements heretofore imposed upon restaurant licensees,

Mr. VOGT from the Committee on State Government, reported as amended, House Bill No. 1302, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of act inconsistent with the provisions of this act.

Mr. CROOP, from the Committee on Game, reported as amended, House Bill No. 1407, (Senate Bill No. 597), entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An Act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

Mr. AUKER, from the Committee on Cities—Third Class, re-reported as amended, House Bill No. 736, entitled:

An Act to further amend section two thousand five hundred and sixty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the penalties and interest imposed for the nonpayment of taxes.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MIHM asked and obtained permission for the Committee on Cities Second Class to meet during the session of the House.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Wolf for Mr. DOLON.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I understand that the minority leader of the House made some remarks relative to the estimates of receipts on the Emergency Gasoline Tax. The remarks, so I have been informed were to the effect that the estimates as we submitted them to this House were in error.

Mr. Speaker, I do wish that his party could get together on their estimates of receipts from the gasoline tax. As a matter of fact, the committee on this House and Senate controlled by their party, are in accord with the estimates which I submitted to the House. They got their figures, so I am informed, from the Highway Department, but here is the oddity of the entire situation, while the gentleman says we are in error, at the same time his Department of Revenue is going to the distributors and compelling them to increase the bond they now give to the Commonwealth to secure the payment of the gasoline tax, and when they are requested to state the reason why the increased bond they say, "Why, the reason is because our taxes, the amount of money that you are going to pay, are going to be substantially increased."

Now, that is the direct answer and contradiction to the remarks of the minority leader of this House. I feel that the Republican Party in this House should certainly urge their Governor and their department heads finally to meet and make up their minds whether or not there will be any increase or decrease, and then after making up their minds they should not be running helter skelter over the state of Pennsylvania insisting on increase in bonds from these individuals who must pay the tax, and instead of that they ought to decrease the bonds or leave them where they are. But of course, you know the answer and I know the answer, the Revenue Department is protecting itself because it knows as you know and I know, and the parties on the other side of the House should know, that taxes are going up, receipts are increasing, and those bonds are needed, and it is futile and of no purpose for the minority leader to come to this House today and say "You are in error with your estimates."

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 609.

An Act to amend section four hundred thirty-eight of

the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of historical societies to receive county appropriations

With the information that the Senate has passed the same without amendment.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1597, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1437, entitled:

An Act to further amend section one thousand four hundred and thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," further providing for home and school visitors, and attendance officers, and for their compensation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 706, entitled:

An Act authorizing and empowering school districts to furnish food including milk, free to needy school children in their districts; providing for payment of the cost thereof; permitting cooperation which public and private agencies for such purposes; imposing duties on the Superintendent of the Department of Public Instruction; making an appropriation, and providing procedure for the apportionment thereof to such school districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1493, entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600),

entitled, "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively, and providing for the compensation of such substitute by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1494, entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled, "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1495, entitled:

A Supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the Administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1586, entitled:

An Act to further amend and reenact clauses one, two, three, and four of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the minimum salaries and increments required to be paid certain employes in school districts of the first class by establishing a minimum salary schedule and increments for school secretaries, school nurses, attendance officers, special class teachers, vocational school teachers, and heads of departments in high schools in school districts of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1630, entitled:

An Act to further amend clause (b) of section two hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 637, entitled:

An Act for safeguarding persons and property and promoting the welfare of the public; creating an electrical administrative board of the Commonwealth of Pennsylvania, and prescribing its duties and authority; establishing minimum standards for electrical equipment and its installations providing for State-wide inspection of installations of electrical equipment; providing for the appointment of electrical inspectors for carrying out the provisions of this act; and prescribing their qualifications, duties, rights and authority; making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor except as otherwise provided; providing for the licensing by the electrical administrative board of persons, firms, or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing, maintaining, altering or repairing electrical equipment; making it unlawful to undertake or perform the installation of electrical equipment without a license except

as otherwise provided; providing penalties for the violation of this act, and repealing all statutes and parts of statutes in conflict with this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officers" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of the highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damage caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines; forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by including therein military police and certain other persons in the armed service of the United States.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1423, entitled:

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties" by extending the service allowance of certain employes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 94, entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such reve-

nue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors or other employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1331, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time
Ordered, To be laid aside for second reading.

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of Mr. ACHTERMAN.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 472, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 300, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1116, entitled:

An Act to further amend clause two of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by specifically prescribing minimum annual salaries and increments for vocational school teachers in school districts of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employees to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employees to be the exclusive representatives of all the employees; authorizing the board to conduct hearings and elections, and certify as to representatives of employees for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor disputes," the rights of employers and certain unfair labor practices by employers and employees; further changing the provisions for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board, further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeitures of rights.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 820, entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, ex-

empting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 786, entitled:

An Act to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1100, entitled:

An Act to further amend sections 713 and to amend section 724 of the act approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 905) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycle, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing refunds;" increasing the fee for an operator's license and providing for the payment of the increase into the general fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1099, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care, treatment and maintenance of indigent persons without ability or means to support themselves, injured in motor vehicle accidents; imposing powers and duties upon certain State departments; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1195, entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the law relating thereto," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1461, entitled:

An Act to further amend subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the retirement of professional employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1380, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1611, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 848, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 495, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1283, entitled:

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds, transferring all their right, title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1508, (Senate Bill No. 645), entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended "An act creating the Highway Mining Commission, with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as

amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1605, (Senate Bill No. 32), entitled

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1551, (Senate Bill No. 551), entitled:

An Act to amend route 25008 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1552, (Senate Bill No. 552), entitled:

An Act to abolish and repeal route 25008 in Girard Township Erie County established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of

certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons and associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1096, entitled:

An Act to regulate the practice of general contracting in Pennsylvania; to establish a State Registration Board for Contractors, and to define its powers and duties; to provide the method of obtaining a certificate of registration to engage in the practice of general contracting, and to fix fees for such certificates; to dispose of the moneys raised; to provide the method of suspension and cancellation of such certificate of registration; and to prescribe the punishment for violation of the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 460, entitled:

An Act converting the State teachers' colleges and the Cheyney Training School for Teachers into advanced technical and trade schools to be known as "Pennsylvania State Trade School Defense Training Centers," to train men for defense work; providing for admissions to and regulation of such schools and alteration and equipment of buildings therefor; and conferring powers and imposing duties on certain State departments and agencies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS NOT ON FILE

The SPEAKER. The following bills on first reading are not on file and will therefore be passed over: House Bill No. 771, Printer's No. 712; House Bill No. 267, Printer's No. 713; House Bill No. 571, Printer's No. 697; House Bill No. 1429, Printer's No. 699; House Bill No. 1572, Printer's No. 700; House Bill No. 573, Printer's No. 708; House Bill No. 1375, Printer's No. 709; House Bill No. 957, Printer's No. 710; House Bill No. 1604 (Senate Bill No. 352), Printer's No. 330 and House Bill No. 1191, Printer's No. 711.

REPORTS FROM COMMITTEES

Mr. POWERS, from the Committee on Cities-Second Class, reported as committed, House Bill No. 1657, entitled:

An Act to amend sections one and four of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes," by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose; and further providing that said short term notes may be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose.

Mr. SARRAF, from the Committee on Cities-Second Class, reported as committed House Bill No. 1658, entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20),

entitled "An act for the government of cities of the second class," by further regulating the manner of letting contracts relating to city affairs.

BILLS ON FIRST READING

Mr. POWERS asked and obtained unanimous consent for House Bill No. 1657, to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1657, entitled:

An Act to amend section one and four of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes," by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose; and further providing that said short term notes may be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Mr. SARRAF asked and obtained unanimous consent for House Bill No. 1658, to be read for the first time.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1658, entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by further regulating the manner of letting contracts relating to city affairs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

House Bill No. 609.

An Act to amend section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" changing the qualifications of historical societies to receive county appropriations

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

CONCURRENCE IN HOUSE RESOLUTION No. 79

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, April 5, 1941.

Whereas, The 11th day of October, 1779 is the date in American history of the heroic death of Brigadier General Casimir Pulaski, who died from wounds received on October 9th, 1779, at the siege of Savannah, Georgia; and

Whereas, The States of Arkansas, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Nevada, Ohio, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and other States of the Union, through legislative enactment, designated October 11th of each year as "General Pulaski's Memorial Day"; and

Whereas, It is fitting that the recurring anniversary of this day be commemorated with suitable patriotic and public exercises in observing and commemorating the heroic death of this great American hero of the Revolutionary War; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby requests the Governor of the Commonwealth of Pennsylvania by virtue of the authority vested in him to issue a proclamation designating October 11, 1941 as "General Pulaski's Memorial Day," so the memory of this great man may be appropriately honored.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1098.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1098, Printer's No. 296, for the purpose of amendment. Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. SARRAF. Mr. Speaker, I move that the communication together with the bill be laid on the table.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1537, Senate Bill No. 381, Printer's No. 233, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1521, entitled:

An Act to amend section two and clause (b) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance to cooperate with and to accept and disburse for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees

of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 667, entitled:

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1545, entitled:

An Act to amend section one of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by redefining the term dealer

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1489, entitled:

An Act to amend sections six eleven twelve sixteen and twenty-one of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (P. L. 318) entitled "An act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" further regulating the business of dealing in and the transportation and sale of nursery stock coming from without the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1350, entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1346, entitled:

An Act designating certain days of each year as Arbor Days and Bird Days one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1550, (Senate Bill No. 345), entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1655, (Senate Bill No. 141), entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1548, (Senate Bill No. 223), entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes, defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1385, (Senate Bill No. 507), entitled:

An Act to apportion the State into congressional districts

The first section was read.

On the question,

Will the House agree to the section?

Mr. O'CONNOR. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Section 1, page 6, line 19 by striking out the words "Clinton, Lycoming" and inserting in lieu thereof the following: "Indiana, Jefferson, Elk".

Amend Section 1, page 6, line 26 by striking out the words "Warren, Elk" and insert in lieu thereof the following: "Armstrong".

Amend Section 1, page 7, line 4 by striking out the word "Clearfield" and insert in lieu thereof the following: "Clinton, Lycoming".

Amend Section 1, page 7, line 12 by striking out "Armstrong, Indiana, Jefferson" and insert in lieu thereof the following: "Clearfield".

Amend Section 1, page 7, line 16 by inserting after the word "Erie" the following: "Warren".

On the question,

Will the House agree to the amendment?

Mr. WOODSIDE. Mr. Speaker, may I ask that the bill along with the amendments be laid on the table temporarily to give the Members an opportunity to examine them and their effect? These amendments affect the counties of Clinton, Lycoming, Indiana, Jefferson, Warren, Armstrong, Erie and probably a number of others. The Members ought to have some opportunity to examine them and have the data before them. I think the clerk should read the amendments again, giving the Members an opportunity to write them into the bills, and then have an opportunity to examine them for a few moments before they are voted upon. We could move that the bill be laid on the table or else that the Chair could let the matter go over and take it up later.

The SPEAKER. The Chair will instruct the Clerk to read the amendments again.

The amendments were read by the Clerk.

Mr. WOODSIDE. May I make reference, Mr. Speaker, to the fact that this is the Congressional appointment bill, Printers No. 292 of the Senate file.

Mr. ACHTERMAN. Mr. Speaker, the bill as it is now amended before this House makes very little change in the state of Pennsylvania in relation to the Congressional districts. The bill as it was reported by the Committee to this House leaves the Congressional districts in the state the same as they were heretofore, and as a matter of fact now are, with the exception of four counties. The bill as it is before the House affects the counties of Berks, Lehigh, Montgomery and Bucks, making the counties of Berks and Lehigh one Congressional district, and the counties of Bucks and Montgomery one Congressional district.

In those four counties heretofore there have been three Congressional districts. We have approached the problem with the thought of causing the least amount of disturbance in the state of Pennsylvania. As the members know, of course, the State of Pennsylvania will be losing one congressman. We have felt that political ties, familiarity with territory, the close cooperation between the individuals living in the respective counties in the present Congressional districts, should be considered. It is true, of course, we were put in the position that there was necessarily an adjustment,—it could not be otherwise when you lose a

Congressman. I believe the bill as it was reported from the Committee of this House has really solved the problem of causing the least amount of disturbance in the state of Pennsylvania. If you were to accept the amendments before you, you would proceed to disrupt a number of counties mentioned in the amendments and you would not only do that, you would cause a disruption in those counties and a change of political ties and lineups without having accomplished anything. In other words you would be just shifting around the counties. Of course these people could get acquainted with the new faces, new individuals and new public officials without having solved any problem of moment, and I am saying to the membership of this House that these amendments should be defeated and I am asking you to vote "no" on them.

Mr. O'CONNOR. Mr. Speaker, in offering the amendments now before you, I wish to state that they too do not create any disturbance among the counties because my amendments propose simply to shift the counties in the five districts as they are now composed. The amendments change the lineup of the counties in the sixteenth, twentieth, twenty-third, twenty-sixth and twenty-eighth districts as they are listed in the bill now before the House for consideration.

These five districts at the present time are always represented by Republican congressmen. Under the proposed amendments that I offer here, each district will still remain a Republican district. I believe that it is the purpose of the Congressional Reapportionment Act to make at least some little attempt to apportion our state equitably and justly and not politically.

Under the present bill before the House, the Sixteenth Congressional District will have a total population of 244,920; under my amendment it will have a population of 285,117.

The Nineteenth District under the bill now being considered will have a population of 324,857; under my amendment, they will have a population of 290,465.

The Twenty-third District in the bill now before you has a population of 285,060; under my amendment it will have a population of 321,156.

In the Twenty-sixth District, in the bill now before the House, and this is my own district, the population is 428,490, the second largest in Pennsylvania. Under the amendments, which I have proposed, it will have a population of 305,553. The Twenty-eighth District in the bill before the House now has a population of 252,533, and under my amendments the population would be 295,422.

I believe, Mr. Speaker and Members of the House, this is a better arrangement of the districts, a more equitable arrangement, and I ask the Members of the House to vote for these amendments.

On the question recurring,

Will the House agree to the amendments?

They were not agreed to.

The section was agreed to.

The second, third and fourth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILLS PASSED OVER

The SPEAKER. The following bills are not on file and will be passed over: House Bill No. 678, Printer's No. 719;

House Bill No. 811, Printer's No. 390; House Bill No. 830, Printer's No. 720; House Bill No. 831, Printer's No. 721; House Bill No. 1208 (Senate Bill No. 80), Printer's No. 331, amended bills on second reading. House Bill No. 610, Printer's No. 701, bill on final passage recalled from the Governor will also be passed over.

There being no objection House Bill No. 1355, Printer's No. 609, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1094, Printer's No. 659, was passed over at the request of the SPEAKER.

BILL NOT ON FILE

The SPEAKER. House Bill No. 849, Printer's No. 707, is not on file and will be passed over.

BILLS PASSED OVER

There being no objection House Bill No. 1444, Senate Bill No. 315, Printer's No. 184, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 814, Printer's No. 646 was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1210, Senate Bill No. 24, Printer's No. 291, was passed over at the request of Mr. REUBEN E. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1512, as follows:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons empowering the State Council for the Blind to do all things necessary for the establishment maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress authorizing officers and agencies in charge of State county or municipal buildings to allow the establishment and operation of stands herein creating a revolving fund in the State Treasury to be used for the purposes of the act and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The State Council for the Blind is hereby directed and authorized to do any or all of the following for the purpose of further improving the condition of the blind in this Commonwealth

(1) To make a survey of all Federal State county municipal and other buildings within the Commonwealth of Pennsylvania for the purpose of ascertaining whether a vending or refreshment stand can be profitably and satisfactorily operated by a blind person in such building.

(2) To purchase construct install and maintain vending or refreshment stands in such buildings when deemed advisable for operation by blind persons and to purchase and supply any accessories equipment or merchandise necessary for the installation or operation of such stands

(3) To select suitable blind persons to operate such stands and also to license or otherwise designate blind persons to operate stands in Federal buildings under authority of any act of Congress

(4) To cooperate with any Federal State county or municipal officer or agency for the purpose of furthering the objectives of this act and to enter into all necessary contracts agreements and leases with such officers or agencies or with any private individual or corporation

(5) To adopt any rules and regulations to make any

expenditures and to retain any employe necessary and proper for carrying out the provisions of this act Wherever feasible the persons employed in administering this act shall be blind persons

Section 2 The State Council for the Blind shall retain title to and control over any stands accessories equipment or merchandise purchased or furnished under the provisions of this act and may replace repair or dispose of any such stands equipment merchandise or accessories as conditions may warrant

Section 3 No person shall be selected for the operation of stands unless

(1) The vision of such person in the better eye with correction does not exceed 20/200

(2) Such person is a citizen of the United States who has resided within the Commonwealth for a period of at least one year

Any person selected as operator of a vending or refreshment stand may be replaced for failure to operate such stand in a proper and satisfactory manner or for violation of any rules or regulations of the State Council for the Blind

During emergencies or until a satisfactory blind person can be secured the State Council for the Blind may operate vending and refreshment stands with other than blind attendants

Section 4 The State Council for the Blind is hereby authorized to supervise the operation of all vending and refreshment stands to collect moneys from the operators of such stands and to pay over to said operators such compensation as may be fixed by rule and regulation

Section 5 The officers or agency having charge of or control of any State county or municipal building are hereby authorized to permit the establishment and operation therein of vending or refreshment stands for use of blind persons and to enter into agreements or leases with the State Council for the Blind relative to such stands No rentals shall be charged on account of the operation of such stands in any State county or municipal building and preference shall be afforded to the State Council for the Blind with respect to the establishment of any such stands

Section 6 There is hereby created in the State Treasury a revolving fund to be designated as the "Employment Fund for the Blind" which shall be used by the State Council for the Blind in carrying out the purposes of this act All moneys in said fund from time to time are hereby appropriated to the State Council for the Blind for such purposes and shall be paid without further appropriation under requisition and warrant drawn on the State Treasurer in the usual manner

All moneys received from the operation of vending or refreshment stands and any contributions gifts or grants made to further the purposes of this act shall be paid into said "Employment Fund for the Blind" which moneys shall thereafter be available in the manner and for the purposes aforesaid

Section 7 The sum of twenty thousand dollars (\$20,000) is hereby appropriated to be paid into the "Employment Fund for the purposes hereinbefore specified

Section 8 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	French,	Marks,	Rhea,
Allmond,	Gallagher,	Maxwell,	Riley,
Auker,	Gerard,	McClanaghan,	Rooney,
Baker,	Gillan,	McClester,	Rose, S.,
Balthaser,	Goodwin,	McDermott,	Rosenfeld,
Baughner,	Greenwood,	McDowell,	Royer,
Bentley,	Gross,	McFall,	Rush,
Bentzel,	Gryskewicz,	McGrath,	Sarraf,

Boles,	Gyger,	McIntosh,	Scanlon,
Boney,	Habbyshaw,	McKinney,	Schwab,
Bradley,	Haberlen,	McLanahan,	Serrill,
Brown,	Haines,	McLane,	Shaffer,
Brunner, P. A.	Hall,	McMillen,	Shaw,
Burns,	Hamilton,	Melchiorre,	Shepard,
Burris,	Hare,	Mihm,	Skale,
Chervenak,	Harkins,	Modell,	Stine,
Chudoff,	Harris,	Monks,	Stockham,
Cochran,	Heatherington,	Mooney,	Tarr,
Cohen, M. M.,	Hering,	Moran,	Tate,
Cohen, R. E.,	Herman,	Moul,	Taylor,
Cook,	Hersch,	Muir,	Thompson, E. F.,
Cordier,	Hewitt,	Munley,	Trout,
Corrigan,	Holland,	Nunemacher,	Van Allsburg,
Croop,	Huntley,	O'Brien,	Verona,
Cullen,	Jefferson,	O'Connor,	Vincent,
Dalrymple,	Jones, G. E.,	O'Mullen,	Vogt,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenehan,	Petrosky,	Welsh, E. B.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Knoble,	Polaski,	Wilkinson,
Early,	Kolankiewicz,	Polen,	Williams,
Elder,	Komorowski,	Powers,	Winner,
Elliott,	Lee, E. A.,	Prosen,	Wolf,
Ely,	Leonard,	Rausch,	Wood, L. H.,
Falkenstein,	Lesko,	Readinger,	Wood, N.,
Finestone,	Leydic,	Reagan,	Woodring,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Wright,
Fiss,	Longo,	Reese, R. E.,	Yeakel,
Flynn,	Lovett,	Regan,	Yester,
	Malloy,	Reynolds,	Kilroy, Speaker

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1111, (Senate Bill No. 329), as follows:

An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" fixing the time of day that the open season shall begin for charr commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 834) is hereby further amended to read as follows

Section 20 Closed Seasons The following seasons are hereby established for

(a) Charr commonly called brook trout or any species of trout except lake or salmon trout [from] beginning on the first day of August to [the fourteenth] five o'clock antemeridian on the fifteenth day of April next following [both dates inclusive] There shall be no fishing of any sort whatsoever between the hour of five o'clock post meridian on the fourteenth day of April and the hour of five o'clock antemeridian on the fifteenth day of April

in any stream which has been stocked by the board with any of the fish for which this paragraph prescribes a season

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman.	Gallagher,	Maxwell,	Riley.
Allmond,	Gerard,	McClanaghan.	Rooney,
Auker,	Gillan,	McClester.	Rose, S.,
Baker,	Goodwin,	McDermott,	Rosenfeld,
Balthaser.	Greenwood.	McDowell,	Royer,
Baughner,	Gross,	McFall,	Rush,
Bentley,	Gryskewicz,	McGrath,	Sarraf,
Bentzel,	Gyger,	McIntosh,	Scanlon,
Boles,	Habbyschaw,	McKinney,	Schwab,
Boney,	Haberlen,	McLanahan,	Serrill,
Bradley,	Haines,	McLane,	Shaffer,
Brown,	Hall,	McMillen,	Shaw,
Brunner, P. A.,	Hamilton,	Melchiorre,	Shepard,
Burns,	Hare,	Mihm,	Skale,
Burris,	Harkins,	Modell,	Stine,
Chervenak,	Harris,	Monks,	Stockham,
Chudoff,	Heatherington,	Mooney,	Tarr,
Cochran,	Hering,	Moran,	Tate,
Cohen, M. M.,	Herman,	Moul,	Taylor,
Cohen, R. E.,	Hersch,	Muir,	Thompson, E. F.,
Cook,	Hewitt,	Munley,	Trout,
Cordier,	Holland,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Verona,
Croop,	Jefferson,	O'Connor,	Vincent,
Cullen,	Jones, G. E.,	O'Mullen,	Vogt,
Dairymple,	Jones, P. N.,	O'Neill,	Weingartner,
Dennison,	Keenan,	Owens,	Weiss,
DiGenova,	Kenehan,	Petrosky,	Welsh, E. B.,
Dix,	Kilne,	Pettit,	Welsh, M. J.,
D'Ortona,	Knoble,	Polaski,	Wilkinson,
Duffy,	Kolankiewicz,	Polen,	Williams,
Early,	Komorowski,	Powers,	Winnner,
Elder,	Lee, E. A.,	Prosen,	Wolf,
Elliot,	Leonard,	Rausch,	Wood, L. H.,
Ely,	Lesko,	Readinger,	Wood, N.,
Falkenstein,	Leydic,	Reagan,	Woodring,
Finestone,	Lichtenwalter,	Reese, D. P.,	Wright,
Finnerty,	Longo,	Reese, R. E.,	Yeakel,
Fiss,	Lovett,	Regan,	Yester,
Flynn,	Malloy,	Reynolds,	Kilroy, Speaker
French,	Marks,	Rhea,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with informatic that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 231, as follows:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships

State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as last reenacted and amended by the act approved the fifth day of May one thousand nine hundred thirty-nine (P. L. 64) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and doing business in his Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions trust companies title insurance companies beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and surety companies

"Department" The Department of Revenue of this Commonwealth

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government Provided That additional deductions shall be allowed from net income on account of any Federal taxes paid during such calendar or fiscal year for the preceding calendar or fiscal year or accrued during such calendar or fiscal year for such year as the case may be and on account of any dividends received from any other corporation And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policyholders out of net income

2 In case the entire business of any corporation other than a corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within this Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributable to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditures of the corporation for wages salaries commissions and other compensation to its employees and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employees

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employees shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employees not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from

(1) sales fees and commissions except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside of the Commonwealth (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises maintained by the taxpayer outside the Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

3 In case the entire business of any corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as shall be attributed to business transacted within this Commonwealth by multiplying such net income by a fraction of which the numerator is the gross premiums received from business transacted within the Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its business "Gross Premiums" shall mean the amount of dues fees and premiums stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were received in money or in the form of notes credits or any other substitute for money less the following deductions

(a) All premiums returned on policies cancelled or not taken

(b) In the case of stock companies with participating features an additional deduction for that portion of the premiums returned to the policyholders

(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

"Gross premiums received from business transacted in the Commonwealth" shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere

"Persons" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section 4 of this act in which case such tax at the rate of six per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-five and ending in the calendar year one thousand nine hundred thirty-six a similar tax at the rate of ten per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-six except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of ten per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-six and ending in the calendar year one thousand nine hundred thirty-seven and a similar tax at the rate of seven per centum per annum upon each dollar of the net income

of such corporation during the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine [and] one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two except when a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of seven per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine [and] one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty [and] one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for such preceding year and the remaining one-half of such tax shall be paid within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable The amount of all taxes imposed under the provisions of this act not paid on or before the times as above provided shall bear interest at the rate of six (6) per centum per annum from the date they are due and payable until sixty (60) days after settlement and thereafter at the rate of twelve (12) per centum per annum until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it in the manner prescribed by law

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum

of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation closes its fiscal year not upon the thirty-first day of December but upon some other date and reports to the Federal Government as of such other date or would so report were it to make a return to the Federal Government such corporation shall certify such fact to the Department of Revenue and shall make the report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The department may upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income Provided That consolidated reports may be made only by corporations making consolidated returns to the Federal Government

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make a corrected report under oath or affirmation to the department showing such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars (\$5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any change made in the amount of the net income of any corporation upon which tax is imposed by this act the department shall have the power and its duty shall be to hear and determine any petition for the resettlement of taxes alleged to have been overpaid and upon the allowance of such petition to resettle such taxes Wherever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlements and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

Section 8 Settlement and Resettlement (a) All taxes due under this act shall be settled by the department and such settlement shall be subject to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of a year after the tax report was required to be made

(b) Promptly after the date of any such settlement the department shall send by mail or otherwise a copy thereof to such corporation The tax imposed by this act

shall be settled resettled and otherwise imposed and adjusted in the same manner within the same periods of time and right of resettlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a resettlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made

The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the department with the approval of the Department of the Auditor General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and settle the tax imposed by this act Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalty Each corporation shall maintain and keep for a period of three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are serviceable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income of corporations for the [six] eight calendar years one thousand nine hundred thirty-five one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine [and] one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two or for the [six] eight fiscal years ending in the calendar years one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty [and] one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165.

Achterman,	Gerard,	Maxwell,	Rooney,
Allmond,	Gillan,	McClanaghan,	Rose, S.
Auker,	Goodwin,	McClester,	Rosenfeld,
Baker,	Greenwood,	McDermott,	Royer,
Balthaser,	Gross,	McDowell,	Rush,
Baughner,	Gryskewicz,	McFall,	Sarra,
Bentley,	Cyger,	McGrath,	Scanlon,
Bentzel,	Habbyslaw,	McIntosh,	Schwab,

Boies,	Haberlen,	McKinney,	Serrill,
Boney,	Haines,	McLanahan,	Shaffer,
Bradley,	Hall,	McLane,	Shaw,
Brown,	Hamilton,	McMillen,	Shepard,
Brunner, P. A.	Hare,	Melchiorre,	Skale,
Burns,	Harkins,	Mihm,	Stine,
Burriss,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Hering,	Moran,	Taylor,
Cohen, M. M.	Herman,	Moul,	Thompson, E. F.
Cohen, R. E.,	Hersch,	Muir,	Trout,
Cook,	Hewitt,	Munley,	Turner,
Cordier,	Holland,	Nunemacher,	VanAllsburg,
Corrigan,	Huntley,	O'Brien,	Verona,
Crook,	Jefferson,	O'Connor,	Vincent,
Cullen,	Jones, G. E.,	O'Mullen,	Vogt,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Weiss,
Dix,	Kenahan,	Petrosky,	Welsh, E. E.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Knoble,	Polaski,	Wilkinson,
Early,	Kolankiewicz,	Polen,	Williams,
Elder,	Komorowski,	Powers,	Winnor,
Elliott,	Lee, E. A.,	Prosen,	Wolf,
Ely,	Leonard,	Rausch,	Wood, L. H.,
Falkenstein,	Levy,	Readinger,	Wood, N.,
Finestone,	Leydic,	Reagan,	Woodring,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Woodside,
Fliss,	Longo,	Reese, R. E.,	Wright,
Flynn,	Lovett,	Regan,	Yeakel,
French,	Malloy,	Reynolds,	Yester,
Gallagher,	Marks,	Rhea,	Kilroy, Speaker.
		Riley,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 233, as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one

thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 48) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly heretofore or hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly heretofore or hereafter approved except any such companies all of the shares of capital stock of which (other than shares necessary to qualify directors) are owned by a company which is liable to pay to the Commonwealth a tax on shares shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine [and] December thirty-first one thousand nine hundred forty December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two to assess such shares for taxation at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue

the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth. The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law.

Section 2 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—164.

Achterman,	Gerard,	McClanaghan,	Rooney,
Allmond,	Gillan,	McClester,	Rose, S.,
Auker,	Goodwin,	McDermott,	Rosenfeld,
Baker,	Greenwood,	McDowell,	Royer,
Balthaser,	Gross,	McFall,	Rush,
Baughner,	Gryskewicz,	McGrath,	Sarraf,
Bentley,	Gyger,	McIntosh,	Scanlon,
Bentzel,	Habbyshaw,	McKinney,	Schwab,
Boney,	Haberlen,	McLanahan,	Serrill,
Bradley,	Haines,	McLane,	Shaffer,
Brown,	Hall,	McMillen,	Shaw,
Brunner, P. A.,	Hamilton,	McSurdy,	Shepard,
Burns,	Hare,	Melchiorre,	Skale,
Burris,	Harkins,	Mihm,	Stine,
Chervenak,	Harris,	Modell,	Stockham,
Chudoff,	Heatherington,	Monks,	Tarr,
Cochran,	Hering,	Mooney,	Tate,
Cohen, M. M.,	Herman,	Moran,	Taylor,
Cohen, R. E.,	Hersch,	Moul,	Thompson, E. F.,
Cook,	Hewitt,	Muir,	Thompson, R. L.,
Cordier,	Holland,	Munley,	Trout,
Corrigan,	Huntley,	Nunemacher,	Van Allsburg,
Croop,	Jefferson,	O'Brien,	Verona,
Cullen,	Jones, G. E.,	O'Connor,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Weingartner,
Dix,	Kenehan,	Owens,	Welss,
D'Ortona,	Kline,	Petrosky,	Welsh, E. B.,
Duffy,	Knoble,	Pettit,	Welsh, M. J.,
Early,	Kolankiewicz,	Polaski,	Wilkinson,
Elder,	Komorowski,	Polen,	Williams,
Elllott,	Lee, E. A.,	Powers,	Winnier,
Ely,	Leonard,	Prosen,	Wolf,
Falkenstein,	Levy,	Rausch,	Wood, L. H.,
Finestone,	Ledyce,	Readinger,	Wood, N.,
Finnerty,	Lichtenwalter,	Reagan,	Woodring,
Fiss,	Longo,	Reese, D. P.,	Woodside,
Flynn,	Lovett,	Reese, R. E.,	Wright,
French,	Malloy,	Regan,	Yeakel,
Gallagher,	Marks,	Reynolds,	Yester,
	Maxwell,	Rhea,	Killroy,
		Riley,	Speaker.

NAYS—1.

Boles,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS NOT ON FILE

The SPEAKER. House Bills No. 1526, Printer's No. 703 and House Bill No. 931, Printer's No. 702, bills on third reading, are not on file and will be passed over.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1418, as follows:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of four hundred seventy-one thousand one hundred and thirty dollars (\$471,130) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred forty-one to be by it paid to the homes hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such homes in the manner prescribed by law

Aged Colored Women's Home Williamsport.....	\$ 825
Allegheny Temporary Home for Children	3,400
Almira Home Association New Castle	5,000
Beacon Light Mission Bradford	2,100
Beaver County Children's Home New Brighton..	5,400
Benevolent Association's Home for Children Pottsville	900
Berean Manual Training School	20,000
Bethel Orphanage changed to Osceola Home for Children	3,000
Boys' Haven Allentown	2,000
Boys' Industrial Home Oakdale	9,300
Chester Day Nursery and Children's Boarding Home	1,500
Children's Aid Society of Franklin County	975
Children's Aid Society of Pennsylvania Philadelphia	58,000
Children's Aid Society of Western Pennsylvania Pittsburgh	24,000
Children's Home of Easton	5,900
Children's Home of York	3,750
Children's Home of South Bethlehem	3,200
Children's Industrial Home Harrisburg	7,700
Christian Home of Johnstown	2,800
Colored Children's Bureau	3,000
Colored Women's Relief Association of Western Pennsylvania	1,700
Curtis Home for Destitute Women and Children .	4,000
Erie Home for Friendless changed to Sarah A. Reed Home	9,000
Erie Infant's Home and Hospital	2,000
Florence Crittenton Home Erie	1,000
Florence Crittenton Home Philadelphia	2,000
Florence Crittenton Home Williamsport	450
Friend's Home for Children Philadelphia	2,500
George Jr Republic Association Grove City	6,000
Home for Aged Philadelphia	3,200
Home for Aged Couples Philadelphia	1,400
Home for Aged Infirm Women Easton	3,900
Home for Aged and Infirm Colored Women Pittsburgh	3,200
Home for Colored Children Pittsburgh	2,500
Home for Friendless Children Lancaster	4,400
Home for Friendless Children Reading	1,300
Home for Friendless Williamsport	7,500
Home for Friendless Women Scranton	6,100
Home of Industry for Discharged Prisoners Philadelphia	2,600
Home for Veterans of G A R and Wives Philadelphia	14,500
Home for Widows and Single Women Lebanon..	2,500
Home for Widows and Single Women Reading..	2,800
Industrial Home for Crippled Children Pittsburgh	15,000
Ladies G A R Home Hawkins Station	20,200
Margaret Henry Children's Home New Castle	1,200
Meadville Children's Aid Society and Home for Aged	3,200
Nazarene Home for Aged Philadelphia	3,500
Northern Home for Friendless Children Philadelphia	14,000
Northern Tier Home Harrison Valley	2,400
Pennsylvania Memorial Home at Brookville	9,400
Pennsylvania Association for Blind Harrisburg ..	30,000
Pennsylvania Home Teaching Society and Free Circulated Library for Blind Philadelphia..	16,000

Pennsylvania Society to Protect Children from Cruelty Philadelphia	3,000
Pennsylvania Working Home for the Blind Philadelphia	44,000
Philadelphia Committee for Prevention of Blindness	1,680
Philadelphia Home for Infants	2,500
Pittsburgh Home for Babies	9,000
Pittsburgh and Allegheny Home for Friendless ..	10,000
Seamen's Church Institute Philadelphia	7,500
Tabor Home for Children Doylestown	5,000
United Charities Home for Children Hazleton	2,000
Union Home for Old Ladies Philadelphia	3,500
Western Temporary Home Philadelphia	2,100
Westmoreland County Children's Aid Society	6,000
Workingmen's Home for Aged Warrington	1,200
York County's Blind Center	1,250
York Society to Protect Children and Aged Persons	8,500
Zoar Home for Mothers Babies and Convalescents ..	
Allison Park Allegheny County	1,700
Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare thereunder shall be paid to any home therein named if such home is a denominational or sectarian institution corporation or association	

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	Gallagher,	Malloy,	Rose, S.,
Allmond,	Gates,	Marks,	Rose, W. E.,
Auker,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Balthaser,	Goodwin,	McClester,	Rush,
Baughner,	Greenwood,	McDermott,	Sarge
Bentley,	Gross,	McDowell,	Sarraff,
Bentzel,	Gryskewicz,	McFall,	Scanlon,
Boles,	Gyger,	McGrath,	Schwab,
Boney,	Habbyshaw,	McIntosh,	Serrill,
Bower,	Haberen,	McKinney,	Shaffer,
Bradley,	Habes,	McLanahan,	Shaw,
Bretherick,	Hall,	McLane,	Shepard,
Brown,	Hamilton,	McMillen,	Skale,
Brunner, P. A.,	Hare,	McSurdy,	Snyder,
Burns,	Harkins,	Melchiorre,	Sollenberger,
Burris,	Harmuth,	Mihm,	Sorg,
Crervanak,	Harris,	Modell,	Stambaugh,
Chudoff,	Heatherington,	Monks,	Stank,
Cochran,	Helm,	Mooney,	Stine,
Cohen, M. M.,	Hering,	Moran,	Stockham,
Cohen, R. E.,	Herman,	Moul,	Tarr,
Cook,	Hersch,	Mulr,	Tate,
Cooper,	Hewitt,	Munley,	Taylor,
Cordier,	Hirsch,	Nunemacher,	Thompson, E.,
Corrigan,	Holland,	O'Brien,	Trout,
Croop,	Huntley,	O'Connor,	Turner,
Cullen,	Imbrie,	O'Dare,	Van Allsburg,
Dalrymple,	James,	O'Mullen,	Verona,
Dennison,	Jefferson,	O'Neill,	Vincent,
DiGenova,	Jones, G. E.,	Owens,	Vogt,
Dix,	Jones, P. N.,	Petrofsky,	Voldow,
Doon,	Keenan,	Pettit,	Weingartner,
D'Ortona,	Kenehan,	Polaski,	Weiss,
Duffy,	Kline,	Polen,	Welsh, E. B.,
Early,	Knoble,	Powers,	Welsh, M. J.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Ellott,	Komorowski,	Rank,	Williams,
Ely,	Krise,	Rausch,	Winnor,
Falkenstein,	Lee, E. A.,	Readinger,	Wolf,
Finestone,	Lee, T. H.,	Reagan,	Wood, L. H.,
Finerty,	Lelsey,	Reese, D. P.,	Wood, N.,
Fiss,	Leonard,	Reese, R. E.,	Woodring,
Fletcher,	Levy,	Regan,	Woodside,
Flynn,	Leydic,	Reynolds,	Wright,
Foor,	Lichtenwalter,	Rhea,	Yeakel,
French,	Longo,	Riley,	Yester,
	Lovett,	Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1419, as follows:

An Act Making an appropriation to the Department of Welfare for the maintenance of certain hospitals

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight million seven hundred thirty-six thousand five hundred dollars (\$8,736,500) or as much thereof as may be necessary is hereby appropriated to the Department of Welfare for the two fiscal years beginning June first one thousand nine hundred forty-one to be by it paid to the hospitals hereinafter designated in the amounts hereinafter specified for the purpose of the maintenance of such hospitals in the manner prescribed by law at the rate of three dollars (\$3) per diem for the medical and surgical services rendered to and maintenance of persons treated in such hospitals who are entitled to free service and for each day of part pay service such proportion of three dollars (\$3) per diem rate as the part of the regular charge which the person treated is not able to pay bears to the regular ward charge for free service except that no hospital shall receive compensation at a rate exceeding the actual cost of service per capita in its public ward

Beaver Valley General Hospital New Brighton ..	14,500
Belvedere Hospital Pittsburgh	4,500
Berwick Hospital	19,400
Black F W Community Hospital Lewistown	4,000
Blair J C Memorial Hospital Huntingdon	37,000
Bloomsburg Hospital	35,600
Braddock General Hospital	45,500
Bradford Hospital	30,000
Broad Street Hospital Philadelphia	26,700
Brookville Hospital	16,000
Brownsville General Hospital	27,600
Bryn Mawr Hospital Bryn Mawr	33,000
Butler County Memorial Hospital	28,100
Canonsburg General Hospital	20,000
Carbondale General Hospital	26,500
Carlisle Hospital	27,000
Centre County Hospital Bellefonte	24,400
Chambersburg Hospital	20,100
Charlottesville Monessen Hospital	28,000
Chester County Hospital West Chester	58,000
Chester Hospital City of Chester	94,900
Chestnut Hill Hospital Philadelphia	31,000
Children's Heart Hospital Philadelphia	20,000
Children's Hospital of Philadelphia	92,000
Children's Hospital of Pittsburgh	100,200
Christian H Buhl Hospital Sharon	38,000
Citizens General Hospital New Kensington	32,700
Clearfield Hospital	44,000
Coatesville Hospital	40,500
Columbia Hospital Columbia	11,800
Columbia Hospital Wilkesburg	5,000
Community Hospital Kane	7,500
Community Hospital of Jersey Shore	3,000
Conemaugh Valley Memorial Hospital	112,000
Corry Hospital Association	10,800
Coudersport General Hospital	3,500
Crozier J Lewis Hospital Chester	3,000
Delaware County Hospital	24,000
Eagleview Sanatorium for Consumptives	116,000
Easton Hospital	66,500
Elizabeth Steel Magee Pittsburgh	110,000
Elk County General Hospital Ridgway	17,100
Ellwood City Hospital Ellwood City	10,100
Elm Terrace Hospital Lansdale	4,000

Eye and Ear Hospital Pittsburgh	24,000	Reading Hospital	113,200
Frankford Hospital Philadelphia	70,000	Renovo Hospital	8,000
Franklin City Hospital	17,500	Rochester General Hospital	27,200
Frederick Douglass Memorial Hospital and Training School Philadelphia	23,000	Rush Hospital for Consumptives Philadelphia	79,800
Frick Henry Clay Memorial Hospital Mr. Pleasant	20,000	Saint Christopher's Hospital for Children Philadelphia	63,000
Geisinger George F Memorial Hospital Danville	58,000	Saint Francis' Hospital Pittsburgh	161,000
General Hospital of Monroe County East Stroudsburg	20,100	Saint John's General Hospital Pittsburgh	48,200
Germantown Dispensary and Hospital	175,600	Saint Joseph's Hospital Carbondale	21,200
Good Samaritan Hospital Lebanon	53,800	Saint Luke's Hospital South Bethlehem	100,000
Grandview Hospital Sellersville	15,000	Saint Luke's and Children's Homeopathic Hospital Philadelphia	90,400
Grandview Institution for Consumptives Oil City	17,000	Saint Vincent's Hospital Association Erie	89,000
Green County Memorial Hospital Waynesburg ..	16,500	Sewickley Valley Hospital	34,000
Greenville Hospital Greenville	9,200	Shady Side Hospital	84,600
Grove City Hospital	3,100	Somerset Community Hospital	18,300
Hahnemann Hospital Philadelphia	193,200	South Side Hospital Pittsburgh	73,000
Hahnemann Hospital Scranton	59,850	Spencer Hospital Meadville	43,100
Hamot Hospital Association Erie	102,000	Stetson Hospital Philadelphia	10,000
Hanover General Hospital Hanover	15,400	Suburban General Hospital Bellevue	15,600
Harrisburg Hospital Harrisburg	107,500	Taylor Hospital Association Taylor	33,000
Harrisburg Polyclinic Hospital Harrisburg ..	61,000	Taylor Hospital Ridley Park	22,000
Homeopathic Hospital of Chester County West Chester	30,600	Temple University Hospital Philadelphia	158,600
Homeopathic Medical and Surgical Hospital Reading	68,000	Titusville Hospital	7,000
Homestead Hospital	44,600	Tuberculosis League of Pittsburgh	97,000
Indiana Hospital	48,250	Uniontown Hospital	72,300
Jameson Memorial Hospital Association (Shenango Valley) New Castle	24,500	University of Pennsylvania Hospital Philadelphia	258,000
Jefferson Medical College Hospital	245,000	University of Pennsylvania Graduate Hospital ..	166,000
Kane Summit Hospital Association	7,300	Warner Annie M Hospital Gettysburg	12,500
Kensington Hospital for Women Philadelphia ..	42,050	Warren General Hospital	26,000
Lancaster County Tuberculosis Society (Rossmore) ..	54,900	Washington Hospital	50,000
Lancaster General Hospital	71,000	Wayne County Memorial Hospital Honesdale ..	7,500
Lankenau Hospital Philadelphia	35,000	Waynesboro Hospital	16,000
Latrobe Hospital	25,000	Western Pennsylvania Hospital Pittsburgh	145,000
Lee Homeopathic Hospital Johnstown	23,000	Westmoreland Hospital Association Greensburg ..	60,000
Lewistown Hospital	56,000	West Side Hospital Association Scranton	62,200
Lock Haven Hospital	38,500	Wilkes-Barre General Hospital	162,000
Lying-in-Charity Hospital Philadelphia	62,900	Williamsport Hospital	91,000
Maple Avenue Hospital Association DuBois ..	17,000	Wills Hospital Philadelphia	96,000
Maternity Hospital Philadelphia	33,750	Women's Homeopathic Hospital Philadelphia ..	65,000
McKeesport Hospital	88,000	Women's Hospital of Philadelphia	73,000
Meadville City Hospital	24,000	Women's Hospital Pittsburgh	3,000
Memorial Hospital Association Monongahela City ..	11,000	Women's Medical College Philadelphia	85,000
Memorial Hospital Roxborough Philadelphia ..	41,600	Wyoming Valley Homeopathic Hospital Wilkes-Barre	47,400
Mercy Hospital Altoona	41,700	York Hospital	100,000
Mercy Hospital and School for Nurses Philadelphia ..	80,000	Zem Zem Hospital for Crippled Children Erie ..	14,500
Mercy Hospital Wilkes-Barre	87,500		
Mid-Valley Hospital Blakely	34,000		
Milliken A C Hospital Pottsville	21,000		
Miners' Hospital of North Cambria	44,000		
Montefiore Hospital Pittsburgh	76,000		
Montgomery Hospital Norristown	43,150		
Mount Sinai Hospital Philadelphia	140,000		
Nason Hospital Association Roaring Spring	28,000		
National Stomach Hospital Philadelphia	3,500		
Northern Liberties Hospital	21,000		
Northeastern Hospital of Philadelphia	33,000		
Ohio Valley General Hospital McKees Rocks ..	24,000		
Oil City Hospital	25,500		
Packer Mary M Hospital Sunbury	38,000		
Packer Robert Hospital Sayre	135,000		
Passavant Hospital Pittsburgh	48,200		
Pennsylvania Epileptic Hospital and Colony Farm Oakburne	42,300		
Pennsylvania Hospital of Philadelphia (Contributors)	170,000		
Philadelphia College of Osteopathy and Osteopathic Hospital of Philadelphia	6,900		
Phoenixville Hospital	19,800		
Pittsburgh Hospital Association	65,000		
Pittston Hospital Association	56,000		
Pottstown Homeopathic Hospital	12,050		
Pottstown Hospital	23,000		
Pottsville Hospital	86,500		
Presbyterian Hospital Pittsburgh	55,200		
Providence Hospital of Beaver County	11,000		
Quakertown Hospital Association	9,000		

Section 2 Notwithstanding the provisions of section one of this act no part of the appropriation made to the Department of Welfare thereunder shall be made to any hospital therein named if such hospital is a denominational or sectarian institution corporation or association

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—188

Achterman,	French,	Lovett,	Riley,
Allmond,	Gallagher,	Malloy,	Rooney,
Auker,	Gates,	Marks,	Rose, S.,
Baker,	Gerard,	Maxwell,	Rose, W. E.,
Balthaser,	Gillan,	McClanaghan,	Rosenfeld,
Baughner,	Goodwin,	McClester,	Royer,
Bentley,	Greenwood,	McDermott,	Rush,
Bentzel,	Gross,	McDowell,	Sarge,
Boles,	Gryskewicz,	McFall,	Sarraf,
Boney,	Cyger,	McGrath,	Scanlon,
Bower,	Habbyshaw,	McIntosh,	Schwab,
Bradley,	Haberlen,	McKinney,	Serrill,
Bretherick,	Haines,	McLanahan,	Shaffer,
Brown,	Hall,	McLane,	Shaw,
Brunner, P. A.,	Hamilton,	McMillen,	Shepard,
Burns,	Hare,	McSurdy,	Skale,
Burris,	Harkins,	Melchiorre,	Snyder,
Chervenak,	Harris,	Mihm,	Sollenberger,

Chudoff,	Heatherington,	Modell,	Sorg,
Cochran,	Helm,	Monks,	Stine,
Cohen, M. M.,	Hering,	Mooney,	Stockham,
Cohen, R. E.,	Herman,	Moran,	Tarr,
Cook,	Hersch,	Moul,	Tate,
Cooper,	Hewitt,	Muir,	Taylor,
Cordier,	Holland,	Munley,	Thompson, E.,
Corrigan,	Huntley,	Nunemacher,	Trout,
Croop,	Imbrie,	O'Brien,	Van Allsburg,
Cullen,	James,	O'Connor,	Verona,
De.,	Jefferson,	O'Dare,	Vincent,
Dalrymple,	Jones, G. E.,	O'Mullen,	Vogt,
Dennison,	Jones, P. N.,	O'Neill,	Weingartner,
DiGenova,	Keenan,	Owens,	Welss,
D.,	Kenehan,	Petrosky,	Welsh, E. B.,
D'Ortona,	Kline,	Pettit,	Welsh, M. J.,
Duffy,	Knoble,	Polaski,	Wilkinson,
Early,	Kolankiewicz,	Polen,	Williams,
Elder,	Komorowski,	Powers,	Winer,
Ellott,	Krise,	Prosen,	Wolf,
Ely,	Lee, E. A.,	Rank,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Rausch,	Wood, N.,
Finestone,	Leisey,	Readinger,	Woodring,
Finnerty,	Leonard,	Reagan,	Woodside,
Fisher,	Lesko,	Reese, D. P.,	Wright,
Fiss,	Levy,	Reese, R. E.,	Yeakel,
Fletcher,	Leydic,	Regan,	Yester,
Flynn,	Lichtenwalter,	Reynolds,	Kilroy,
For,	Longo,	Rhea,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. MOUL asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday this House of Representatives received a minority report from the minority member of the committee investigating the operation of the State Soil Conservation Board and Extension Service of State College.

Certain statements of facts have been made in that minority report, statements that according to the testimony which the committee has been taking during the many weeks of the investigation, which are contained in more than a thousand sheets of testimony do not sustain, and in fairness to the Members of the House, who will be asked to form their opinion on the basis of the reports that have been submitted, I would like to show that certain statements made in the minority report are not correct.

Mr. Speaker, I would like to interrogate the gentleman from Tioga, Mr. Snyder.

The SPEAKER. Will the gentleman from Tioga permit himself to be interrogated?

Mr. SNYDER. I will, Mr. Speaker.

Mr. MOUL. Mr. Speaker, when the minority report was written, I would like to ask, did the gentleman not have a copy of the proceedings, a copy of the testimony and the evidence that was submitted during the hearing?

MR. REUBEN E. COHEN IN THE CHAIR

Mr. SNYDER. Mr. Speaker, in answer to the gentleman, naturally my report was based on the testimony given at the hearing.

Mr. MOUL. Mr. Speaker, on the third page of the gentleman's report, one of the very first statements which his report contains states:

"Immediately upon the opening of hearings upon the subject it became evident that the Chairman of the committee entered upon his duties with a predetermined opinion and that he would not permit that opinion to be changed in spite of any testimony, with the result that there is justification for the charge that the hearings were resolved into an attempt at prosecution of those persons who were officially associated with the operation of Act No. 557 rather than an investigation of their official acts."

Does the gentleman have a copy of the testimony that was taken on the first day's hearing and a copy of the testimony on the second day's hearing?

Mr. SNYDER. Mr. Speaker, I do not have the copy of the testimony here, but I recall in a general way what took place at the hearing.

Mr. MOUL. Mr. Speaker, what does the gentleman recall in a general way that took place on those two days?

Mr. SNYDER. Mr. Speaker, I recall that the witnesses that were called from the beginning were all hand-picked, and naturally would favor what the chairman of the committee had in mind when he started this investigation.

Mr. MOUL. Mr. Speaker, if the gentleman does not have his copy, will he permit me to read the opening remarks of each day's session?

Mr. SNYDER. Certainly, Mr. Speaker.

Mr. MOUL. Mr. Speaker, the opening remarks of the hearing held at two p. m. on March 3, 1941, the very first statement that was made was this:

"The meeting will come to order. We have quite a number of gentlemen here today from the counties of York and Lancaster. Gentlemen, who are interested in soil erosion control. You have some first hand knowledge of the way the Soil Erosion Control programmes have been handled from the beginning. We would appreciate it if each one of you would feel perfectly free to present whatever testimony you may have. We have been asked to investigate the soil erosion work in Pennsylvania and the extension service as it applies to the state as a whole and make a report to the House of Representatives. You are at liberty to present any facts that you may have. We hope that you will not talk too fast so that we can get the notes in detail. You may present your own ideas first, then if any members of the committee have any questions, you will be asked then if you have presented your side of the story."

Following that, is it not true, Mr. Speaker, that fifteen farmers testified on that first day's special hearing, they being farmers who came from the counties of York and Lancaster?

Mr. SNYDER. Mr. Speaker, in regard to the first statement by the gentleman from York, he says that we have been asked by the House to make this investigation. He made that statement, but what he meant was that the House had concurred in the desire of the gentleman from York to start an investigation on soil erosion.

In reply to the second part of the gentleman's question I would say, and as he states, these were farmers, approximately fifteen. However, upon interrogation we found that most of these people were connected with this soil erosion project and were supervisors or officials connected with it—the majority of them, not all of them. Perhaps the majority of them were concerned about their per diem salary, their mileage and so forth and the jobs that they held. That is what I meant, when I said that they were hand-picked.

Mr. MOUL. May I ask the gentleman how many supervisors according to the testimony presented, are there in any one district?

Mr. SNYDER. Mr. Speaker, in answer to that question I am not sure that was mentioned in the testimony, just how many there were. I think the act provides for that the gentleman from York knows. However, I reiterate the statement that I made previously, that a majority of them were employes and were hand picked.

Mr. MOUL. That is correct, Mr. Speaker. There is nobody at the present time on any salary in any of the districts, and even if there would be, there could only be three, and there were fifteen people who testified from the two districts, and I can give their testimony in a minute.

I also want to quote the statement that was made in the beginning of the second day's session, as shown on page two:

"We do not want to influence your testimony in any way. We want you to give us the information you have and then when you are through, we will ask the questions."

On the second day there were eleven more farmers who testified. They came from the counties of Indiana, and Jefferson and in the two days that gave us a total of twenty-six farmers. Would the gentleman say that any of the people who testified during that period were being lead or mislead in making any statements which were not their own?

Mr. SNYDER. No, Mr. Speaker, I would not say that they were mislead at the hearing. However, there is no question in my mind that they knew what the hearing was about and what they were supposed to testify to when they came before the committee, which again reiterates the statement I previously made, that they were hand-picked.

Mr. MOUL. Mr. Speaker, did the gentleman, as a minority member, have an opportunity to question those gentlemen?

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Reuben E. Cohen, for presiding.

Mr. SNYDER. Mr. Speaker, in answer to that question I would say that as a minority member of that committee, I usually did have, and the reason I use the word "usually" is because the chairman of that committee in some of his interrogations later in the hearings continued to interrogate during the entire time of the hearing, and the minority member, as the chairman will recall, was frequently reprimanded for butting in, as the chairman of the committee said, in order to have a chance to interrogate. However, Mr. Speaker, I will say, during the first part of these proceedings, we as members of that committee, were permitted to interrogate the witnesses, but not during the latter part of the proceedings.

Mr. MOUL. Mr. Speaker, I wish to interrogate further.

The SPEAKER. Will the gentleman from Tioga permit himself to be further interrogated?

Mr. SNYDER. I will, Mr. Speaker.

Mr. MOUL. Does the gentleman, Mr. Speaker, have a copy of his own report before him?

Mr. SNYDER. I do, Mr. Speaker.

Mr. MOUL. Will the gentleman tell us, Mr. Speaker,

what he means on page twenty-two, the very last paragraph.

"5. That we recognize the right of any educational institution to develop its policies without political domination or interference and recommend that no strings be attached to any college appropriation."

When he says, "We recognize the right," whom does the gentleman mean by "we"?

Mr. SNYDER. The citizens of Pennsylvania, Mr. Speaker.

Mr. MOUL. May I ask the gentleman, Mr. Speaker, is it not his report?

Mr. SNYDER. It is, Mr. Speaker, but I think a question as important as this, which affects one of our great institutions of the State, should not be considered or examined by a group from this House, three members on a committee.

Mr. MOUL. Mr. Speaker, I ask consent to make a statement.

The SPEAKER. Is the gentleman through with his interrogation?

Mr. MOUL. I am, Mr. Speaker.

The SPEAKER. The gentleman will proceed.

Mr. MOUL. Mr. Speaker, I think I can save some time by making a statement instead of interrogation. The gentleman from Tioga had ample opportunity to question all the witnesses that came before the committee and this is shown by an analysis of the first two days to which I refer. On those first two days twenty-six farmers came before the committee and gave their picture as they saw it. They were people who were interested in soil erosion because they came from districts where they could see it working, and they were people who were vitally interested in seeing that the State Board gave them some assistance which they said they were not receiving. Those twenty-six gentlemen who came there were perfectly free to say what they wanted.

I did know a few of the men who came from York county, but I assure you I didn't know any of those people who came from other counties than York; I didn't even know who was going to be there, and further I did not know who was going to question these gentlemen, because upon analysis you will find that on the first day out of the number of questions asked, the minority member asked forty-one questions, the chairman asked thirty-one questions and my colleague, Mr. Haberlen asked nineteen questions of the witnesses, which meant that Mr. Snyder, the minority member, had asked four-ninths of all the questions that were asked on that first day's hearing.

An analysis will show that it is equally true on other days that the gentleman had ample opportunity to ask questions of the witnesses, anything that he wished to ask them.

On the third page this statement is made:

"The records do not show one instance in all the testimony offered in which the present State Soil Conservation Board failed to perform its function."

We have ample statements made by the individuals who were there, and who are individuals who should know and individuals who did know that such was the case. I would like to cite that on pages 3, 4, 5, 7, 8, 13, 16, 23, 26, 27, 28, 29 and 30 of the first day's report there are definite statements made by those people that the State Board did not cooperate.

I also want to read a letter which was submitted at the time which shows very definitely they did not cooperate, and this was a letter that was written before this present House was elected. It was written on October 30, 1940, and it was presented by one of the gentlemen who was before the committee. It reads in this manner:

"Honorable Arthur H. James, Governor of Pennsylvania, Harrisburg, Pennsylvania. Dear Governor James: "At a meeting of the four organized Pennsylvania Soil Conservation Districts held October 16, 1940, a motion was made by John H. Stephens Jr. of Black Lick Soil Conservation District, seconded by C. V. Curll of the Clarion Soil Conservation District,

and unanimously passes as follows:

"Believing that our Honorable Arthur H. James, Governor of the Commonwealth of Pennsylvania, as well as we, the supervisors of the four organized Pennsylvania Soil Conservation Districts representing 12,000 farmers who own and farm approximately 1,200,000 acres of land, is interested in the conserving of our natural resources, we do hereby petition our Honorable Arthur H. James, the Governor of the Commonwealth of Pennsylvania, to concern himself with the attitude of the State Board of Soil Conservation [set up under Act 557, and amended by the last Legislature, and known as Act No. 366] towards the organization of other soil conservation districts, namely Westmoreland, Lehigh, Franklin and Adams. Respectfully yours Arthur E. Brown, Secretary of Treasury."

That was submitted to our investigating committee as evidence that the four boards now in existence had written to the Governor and asked him to do something about it. So, we might go on. The report is full of misrepresentations as I have given it here, and if it were not for the time which we are consuming when the Members want to go home, I would like very much to give the picture and show there is misrepresentation in the minority report from one end of it to the other. I hope all of you will take an opportunity to check the records as suggested in the minority report and see for yourself how far that misrepresentation has gone.

PERMISSION TO ADDRESS HOUSE

Mr. SNYDER asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the gentleman from York, I only wish to say that I think the minority report covers a lot more of the testimony given at these hearings than does the majority report, which again leads me to believe that this report, the majority report, could have been written by the chairman of the committee before any testimony was given, because he knew before he started this investigation, who he wanted to persecute and the two persons that he had included in his majority report are the two that he had made up his mind, as he stated, were the culprits before he started this investigation. I rest my case on the minority report and say this, if at any time the Members of this House want to be bored by the majority report or the minority report, I am willing to proceed.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 663, as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas The present session of the General Assembly has provided revenues of the Commonwealth amounting to four hundred twenty-six million dollars (\$426,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred forty-one and

Whereas Such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later parts of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas In order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequent accruing to the State Treasury during said fiscal period are available for this purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred forty-one from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars (\$175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred forty-three Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one-half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear either the signatures of the Governor the Auditor General and the State Treasurer or the facsimile signatures of the Governor the Auditor General and the State Treasurer in which latter event such notes shall be countersigned by two officers of the Philadelphia National Bank (Loan and Transfer Agent of the Commonwealth) All such notes shall bear a facsimile of the great seal of the Commonwealth

(c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth

(d) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred forty-one are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into

the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred forty-one

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred forty-one and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specifically appropriated The Department of Revenue shall allocate such revenues to said payments

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Gerard.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. GERARD. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I notice that this bill was amended in Committee after second reading, as reported yesterday, by changing the first "Whereas" clause, striking out the sum of \$413,000,000 and inserting in lieu thereof the sum of \$426,000,000. This represents the amount which the General Assembly has appropriated revenues for the Commonwealth for the biennial fiscal period beginning June 1, 1941. I should like to inquire from the gentleman whether they are his own figures.

Mr. GERARD. Mr. Speaker, I yield to the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker. The figures which have been inserted in lieu of the \$413,000,000 were furnished by the Appropriations Committee to the Committee on Ways and Means, and represent the revenues that the Commonwealth will receive during the coming biennium.

Mr. WOODSIDE. Mr. Speaker, I was interested in interrogating the chairman or the vice-chairman of the Committee on Ways and Means and not the Appropriations Committee chairman. However, do I understand from the gentleman from Monroe, that the Appropriations Committee furnished this information to the Committee on Ways and Means?

Mr. ACHTERMAN. That is correct, Mr. Speaker, we furnished the information.

Mr. WOODSIDE. Mr. Speaker, I still think I should be entitled to interrogate the chairman of the Ways and Means Committee or the vice chairman of the Ways and Means Committee because I am interested in that.

The SPEAKER. Will the gentleman from Allegheny, Mr. Gerard, permit himself to be interrogated?

Mr. GERARD. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like the gentleman to advise me whether the information which he has used in his amendment was information received from the Appropriations Committee.

Mr. GERARD. That is correct, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the Ways and Means Committee made no investigation whatsoever in arriving at that figure?

Mr. GERARD. Mr. Speaker, only through the chairman of the Appropriations Committee.

Mr. WOODSIDE. Mr. Speaker, do I understand there was no sub-committee appointed by the Ways and Means Committee to make any estimates of the revenues and that the Chairman himself made no estimates of revenue and that the committee itself made no study of the estimates of revenue except that which was given to them by the Chairman of the Appropriations Committee, is that correct?

Mr. GERARD. Mr. Speaker, in answer to the gentleman from Dauphin, I would say I requested the chairman of the Appropriations Committee to give me the necessary information in connection with this bill.

Mr. WOODSIDE. Mr. Speaker, this bill now before us is an extremely important one. It was introduced by the gentleman from McKean, Mr. McDowell on behalf of the administration on March 3rd, 1941. It has been in the Ways and Means Committee from that date up until the present time. The bill is necessary under the method of financing which has been in use in this Commonwealth for some years in order that the obligations for the borrowings made from special funds be repaid. Until this bill is passed and signed by the Governor and until the tax anticipation notes are sold, it will be impossible to repay the special funds. That is a fact which has been known to the other side for some time. It is a fact that has always been before them, but on April 7th, 1941, I wrote a letter to the Chairman of the Ways and Means Committee, a copy of which I gave to the majority floor leader. In that letter I stated as follows:

"The Budget Office has called to my attention that House Bill No. 663, introduced by Mr. McDowell on March 4th and referred to the Committee on Ways and Means of which you are Chairman, should be passed promptly if the Tax Anticipation Notes are to be floated early in June. Until this bill is enacted into law the Budget Office cannot proceed with its plans to float the Tax Anticipation Notes authorized by it. As it will take several weeks to get ready and several weeks to advertise the notice, any further delay in acting upon this bill may result in delay of the repayment of all special funds.

I am sure that it is the intention of the Legislature as a body and of all of us individually, that all sums borrowed from the Special Fund be repaid as early in June as humanly possible. This can only be done if the Tax Anticipation Notes are sold early in June.

I would appreciate your giving this matter your prompt attention.

Thanking you for your consideration of it, I am

Very truly yours,

Robert E. Woodside, Jr."

As a result of this no action was taken either with the tax bill or with the tax anticipation note bill and I say very frankly there is very little value in the passing of the tax anticipation note bill until at least a fair share of the taxes are enacted into law.

Again a short time ago, I called attention to the fact that the House, the majority of this House, was unduly

delaying all the budget items. I called attention to the fact that the tax program was passed in 1935 on March 19; in 1937 it was passed on March 8; and in 1939 it was passed on March 28. I further called attention to the fact that in 1941 the tax program has been in the Ways and Means Committee without action since February 12. I also called attention to the fact that the Appropriations Committee had the budget in its possession for a longer period of time than any other Appropriations Committee in the history of the Commonwealth ever had a budget. In 1935 and 1937 it was sixty-three days between the submitting of the budget and the reporting of the general appropriation bill to the House. In 1939 it was 79 days, but in 1941 it was 107 days before the general appropriation bill was reported to this House.

Mr. Speaker, as a result of the failure of the majority of this House to face the issue and meet the problems of this Commonwealth either because they did not realize what the situation was or because they did not understand the problem, or because they deliberately and maliciously sabotaged the financial status of the Commonwealth, they have delayed in passing these vitally important measures until a time when the Commonwealth is bound to suffer and the people on relief are bound to suffer; when all the employees and all the expenses of the government cannot be met as they fall due. The firemen, the municipalities and the counties and the other people who are interested in the special funds, very patriotically were willing to wait a period of time until those people on relief could be fed, and that no new taxes would be necessary in this Commonwealth. But it is not fair to them to ask them to continue to wait while the committee holds the bills for a longer period of time than they have ever been held before and while they play politics with these measures. The appropriation bill, the tax bills, the tax anticipation notes bill are now before the House. The tax bills and the tax anticipation notes bill will be passed, I think, all of them today and sent over to the Senate.

After keeping these bills in their possession for approximately fifteen weeks the majority of this House is now saying to the Senate and to the people of the Commonwealth of Pennsylvania, "We are now submitting an alternative program, an alternative matter which we want you to consider for a matter of five days or else you will interfere with the people receiving relief."

I say to you gentlemen if on June 2nd, as appears evident today, the relief checks do not go out, you have nobody to blame for the delay which you have caused for one hundred and seven days in holding the bills, but yourselves. You have nobody to blame but yourselves for holding these tax bills, this tax anticipation note bill, and you have put the Commonwealth of Pennsylvania in a position where there will be no money available for relief during the first part of the month of June. If the Senate gives the consideration to these bills they should give as a deliberative body, the people of Pennsylvania will be out of relief during the greater part of the month of June. What have you done about it? Nothing at all. That is the situation which you have developed. You cry and you bleed for the people on relief but when it is a matter of political strategy you are willing to play politics, with them. You will sit on these bills until the people of the Commonwealth of Pennsylvania will not have money available for relief. Mr. Speaker, every day from the time

two or three weeks ago when I made a speech about the situation on the floor of the House, every day's delay, I stated at that time, which was caused by the Democrats in holding these bills, meant an additional day's delay in the payment to the firemen of the money borrowed from them; a delay in the payments to the cities, to the boroughs and the townships of the Liquor License tax; a delay in the payments to the counties of the liquid fuel tax; a delay in payment to the Highway Department in carrying out the road construction program; a delay in payment to the school districts of the Commonwealth of Pennsylvania of the first, second and third class; a delay in payment to the state-aided hospitals that are asking for their money; a delay in the payment to the state-aided institutions of this Commonwealth.

All of the delays which are taking place now and which take place during the month of June, can be placed on the doorstep of the majority of this House and upon the doorstep of no other person. If they had carried out the program or if they had suggested an alternative program which could have been considered, studied and determined upon prior to the thirty-first day of May, it would have been possible to meet all the situations prior to this time.

Again I call your attention, Members of the House, to the fact that in order to float these tax anticipation notes there must be printed a prospectus, that prospectus must contain a copy of the act, this Tax Anticipation Note Bill which is now before us, signed by the Governor. There must be also an opinion of the Attorney General of Pennsylvania. Then there must be time given for the bankers to organize their syndicate and arrange to bid on these tax anticipation notes. Even if that can't be done, there must be an opinion made by a firm of lawyers in the City of New York for the bankers before they will consider bidding on these tax anticipation notes. That takes time, that cannot be done over night. The last prospectus was prepared, I think, on May 10 and was in circulation on May 15, in order that bids could be received on June 2, which in turn meant that the money would be received by the Commonwealth of Pennsylvania by June 5. You can all see that that is impossible now. You can all see that the money from the sale of these tax anticipation notes, regardless of how rapidly the Senate should act on them, cannot possibly result in obtaining that money before the middle of June. It is not fair to the Senate to ask them to accept a program which you want to stuff down their throats in a matter of five days after you have spent one hundred seven days considering the program of the Governor as submitted to you in his budget message. But supposing that the Senate would swallow the program or amend it now or agree to it and that the bill would be passed. There would still be the delay that exists today and which can no longer be remedied.

It was not that you did not know about it, you should have known about it on your own account, but not taking any chances about it I wrote a letter and made sure you had that information. I made this situation clear in the House of Representatives in plenty of time so that the situation could be understood not only by this House but by all the people of the Commonwealth of Pennsylvania.

But that is not all the story; that is not nearly all the story. There is other evidence of sabotaging the Commonwealth of Pennsylvania and the people of Pennsylvania and the people on relief; about whom you cry and

bleed so much. You gentlemen all know, or well should know, that there is only one official estimating body in the Commonwealth of Pennsylvania and that is the Department of Revenue of this Commonwealth.

I refer you to an opinion of the Attorney General known as Formal Opinion No. 51. I read from it as follows:

"It is an incontrovertible fact that the only agency of the State Government which is in a position, from first-hand information and experience to make a comprehensive estimate of the revenues which should be collected during any given period, is the Department of Revenue.

"That this is so was argued at length in *Commonwealth vs. Liveright et al.*, and apparently the majority of the Supreme Court endorsed the soundness of this position. That part of the opinion which we have quoted begins by stating that 'The balance of estimated revenues for the biennium after the regular session of the Legislature, was \$192,915,000.' This was the estimate submitted to the Governor by the Budget Secretary at the close of the regular 1931 session of the Legislature. It includes the estimate of revenue furnished by the Department of Revenue and surplus on hand as calculated by the office of the Budget Secretary.

"Therefore we are of the opinion that the only official estimate of revenues which can be recognized by the fiscal offices in the performance of their duties is that submitted to the Governor through the Budget Secretary by the Department of Revenue."

Mr. Speaker, that is a formal opinion of the Commonwealth made by its Attorney General, it is an opinion that binds the Governor of this Commonwealth, it is an opinion that binds the Auditor General and the State Treasurer of this Commonwealth, and it will be impossible for the Governor of this Commonwealth to sign bills in excess of the revenue as estimated by the Department of Revenue. It will be impossible for him to sign any appropriation bills which would be in excess of the estimates as submitted to him through his budget office by the Secretary of Revenue. If he should happen to do that there would be as you all know, an abatement of payments made to the hospitals and various other institutions of that type, which you and I know we do not want to happen. That is the opinion upon which, and that is the law upon which the Governor of this Commonwealth must act.

Now, Mr. Speaker, what has the majority done? The Appropriations Committee.—well now, gentleman the Appropriations Committee is the law of the land. Brother Achterman is the law of the land, he is the spender, he is the one that spends money. They have nothing to do actually with the estimating of the revenues. Tony Gerard down there has charge of the estimating of the revenues. he is the one that has to do with the raising of the money. His committee, the Committee on Ways and Means, is the committee that must make the estimates. It is not the Appropriations Committee, but the gentleman from Monroe, Mr. Achterman, who is the majority floor leader and chairman of the Appropriations Committee, who has taken it upon himself to make the estimates. I don't know of any time that the Appropriations Committee adopted those estimates. I have tried to attend those meetings. They had one the other day lasting for six minutes that I was unable to get to until it was over. I don't think there was anything done at that meeting of the Appropriations Committee. None of the Committee

have ever as far as I know, and I think I am correct, made any official estimate or have ever attempted to vote on an estimate. I am in error in suggesting that the Committee could make an official estimate. They never even attempted as a Committee to make any estimates, so we have here the situation, the Department of Revenue bound under the law to make estimates and under the law the only place where an official and legal estimate of the revenues can be made, and having made its estimate we then have coming in here a report from a Committee containing a new estimate on revenue. Where does that come from? Not even from a Committee, it comes from an individual, a member of this House, the Chairman of the Appropriations Committee. He gives the figures of estimated revenue to the Chairman of the Ways and Means Committee, and the Committee on Ways and Means takes a bill and puts it out on the floor of the House as amended, containing that figure in it.

Now, gentlemen, what are the bankers going to do about it? You know as well as I do, you may be able to fool the people of Pennsylvania but you are not fooling yourselves, you are not fooling us. You know full well the bankers will never put a single bid on a tax anticipation note sale with this bill in the form it is in today. The bankers when this bill was first passed, suggested it was necessary and advisable to put in the "whereas" clause containing the estimate of revenues, and there has been used the official estimate of revenue of the Department of Revenue. Yet you put in this bill an amount that is different from that which is made officially, and which is the only official estimate of revenue in the Commonwealth of Pennsylvania, and you want the Senate to pass it and the Governor to sign it. Then you know what is going to happen. You know that the bankers are not going to buy the tax anticipation notes. You know we are going to have to advertise and maybe in the meantime adjourn and then there would be no tax anticipation notes sold. Then you would duck, you would run around over the Commonwealth and you would cry out that the Commonwealth of Pennsylvania is in such a terrible condition, the financing of the James administration is in a terrible condition and that the bankers of the country will no longer buy the bonds.

Mr. Speaker and members of the House, I say that you are deliberately sabotaging not only the financial program of the Commonwealth of Pennsylvania, you are not only delaying, you are not only sabotaging it, you are trying to cripple it and you are trying to cripple it at the cost of those people that need the support of the Commonwealth of Pennsylvania.

I am going to vote for this bill. I am going to ask all the Members of the House to vote for this bill because there should be no more delay than is absolutely necessary. The tax program must go through, the tax anticipation note program must go through in order that the special funds can be repaid, and in order that the Commonwealth of Pennsylvania will have money to continue to operate. Therefore, we are not taking any chance of delay, we are all going to vote for this tax anticipation note bill, I am sure. But I am hoping that the Senate will amend this bill to such a form that the bankers of the country will buy the tax anticipation notes when they are offered for sale and that this House will, in its

wisdom, see fit to go along with the Senate on that amendment in order that the people of Pennsylvania may be fed and in order that the functions of the government may continue.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is complaining about the length of time it has taken the Committee to make the study that we found was essential and necessary to make. May I state, Mr. Speaker, that never to my knowledge, and I believe I am safe in saying that never in the history of this House has there been a more studied, malicious effort by any party to misguide and mislead the Members of the Legislature in the budget subject. The thing that is startling and surprising to me is the fact that even to this day, that effort to misguide and mislead the Members of the House continues.

Mr. Speaker, we heard just a few moments ago from the minority leader of this House that his party, with the proceeds of this \$413,000,000 estimate they intend to repay to the special funds from which they have borrowed, the money that they borrowed.

Mr. Speaker, I say to the Members of the House, that was not their intention and I believe I am safe in saying that still is not their intention. I give you as authority for my statement the budget message of the Governor himself. If you will turn to page 2 of that budget message, you will find \$413,000,000 that they referred to under the heading of "1941-1943 biennium." You will note that out of that \$413,000,000 all they expected to pay back from the transferred fund was the sum of \$59,000,000. But, Mr. Speaker, every Member of this House knows that the amount of money borrowed was in excess of that, that the amount is somewhat in excess of \$70,000,000. I am saying to the minority Members of this House, and I will go further than that, I am saying to the people of Pennsylvania that the budget we are submitting and which we are asking both this House and the Senate to adopt, is going to repay the borrowed money, not part, but all. If there is any further doubt in the minds of the minority Members in that respect, whether that was the Governor's intention, may I turn to his own message where he said "As I already explained if an additional appropriation is necessary for assistance for this biennium, the amount will have to be taken from the \$131,000,000. In other words, what does he propose doing? In his message to you, he proposed taking relief moneys for the coming biennium in order to pay back the funds that he borrowed from the transfers or through the transfers. That is how he expects to do it. He said he is going to pay it back. Why not be fair? Why not be honest with the membership of this House and tell what you intend to do with the money? Why say to the membership, "It is from these tax anticipation notes we expect to pay back the various funds when you know it is not the true story, when you know it does not give to the Members of the House and the people of Pennsylvania the complete and true picture?"

They say that the hospitals have not received their appropriations. What has the coming biennium to do with the payments that they did not make in February of this year and that they are not going to make in May of this year? What do the revenues for the coming biennium have to do with that? Why are not the hospitals receiving their money? Why, of course it has been used for other purposes. What kind of purposes? For

example, examine your salary payrolls and you will find them higher than they ever were in the history of Pennsylvania. Then go back and justify yourselves you and the Republican administration, try and justify yourselves to the people of Pennsylvania by falsely accusing the Democratic party of refusing to go along with the budget such as was submitted to this House by the Republican party. The minority of this House is complaining that they will not have funds. The remaining tax bills will be leaving this House today. Ample time will be given to the Senate to pass them and moneys will continue to come in, Mr. Speaker. Of course, I presume that the Senate has not been doing what the House did do. The Democratic Members of this House made an honest and sincere study of the financial condition in Pennsylvania. They had the same number of days to make the same study in the Senate. If the Senate on the contrary has been dawdling over there, if their Finance Committee has not felt that the subject of financing and the subject of budget was of importance until after the tax measures reach their House, I am saying to the minority Members of this House that in the Republican Senate lies the blame if action cannot be had on these bills tomorrow. Then, and this is the surprising thing to me, then the scare is tried to be thrown into this House that we have no power to estimate the receipts in revenues from the tax bills we pass.

The gentleman from Dauphin quoted the Attorney General of this State. There are Appellate Court decisions on the matter, Mr. Speaker. It is an odd thing, they do not agree with what the gentleman quoted. As a matter of fact, Mr. Speaker, the Supreme Court of this State has held a contrary position. I anticipated that the very question now thrown into the discussion would be raised. After all this chicanery with the rest of the budget one could not help but imagine that it would be. Therefore, Mr. Speaker, for the record, I wish to read formally an opinion that will perhaps help the Attorney General change his mind.

Under Article 6, Section 601 and 602 of the Administrative Code of 1929, P. L. 177, 71 PS 221-222, it is the power and duty of the Governor to submit to the General Assembly a budget embracing the amounts recommended by him to be appropriated, the estimated revenues and receipts from any and all sources, and an estimated amount to be raised by taxation or otherwise.

The question has arisen as to how far the Governor's estimates of incoming revenue and amounts to be raised by taxation or otherwise are binding upon the General Assembly.

In view of the fundamental nature of the State Government, whereby the legislative, executive and judicial branches are separate and distinct, it seems clear that the Governor's functions with respect to estimating revenues and amounts to be raised by taxation or otherwise, are merely advisory.

Under Article 2, Section 1 of our Constitution, the legislative power is vested exclusively in the General Assembly. The making of appropriations, and the raising of revenues, is solely a legislative function. There is no provision anywhere in the Constitution which would authorize the Governor to make estimates of revenues or amounts to be collected by taxation, which would be binding upon the General Assembly. Any statute which would limit or restrict the fundamental power of the Legislature in these respects would, therefore, be unconstitutional. Even if those provisions of the Administrative Code above referred to were to be so construed as to make the

Governor's estimates binding, it is well established that statutes enacted by one Legislature cannot bind subsequent Legislatures. Accordingly, whatever may have been intended by these provisions of the Administrative Code, it is entirely within the power of the present session of the General Assembly to enact whatever legislation it deems proper regarding appropriations and taxes, regardless of any estimates which may have been submitted by the Governor.

The broad powers of the Legislature with respect to appropriations and taxes, were clearly recognized by the Pennsylvania Supreme Court in the case of *Comm. ex rel. Schnader v. Liveright*, 308 Pa. 35 (1932). Among other questions raised in that case, was the question as to whether an appropriation of \$10,000,000 for relief purposes violated Article 9, Section 4 of the Pennsylvania Constitution. That constitutional provision prohibited the creation of a state debt in excess of \$1,000,000 except for certain specific purposes. It was contended that the estimated revenues for the biennium involved, were \$192,915,000, and that the authorized appropriations, prior to the appropriation for relief, were \$192,394,000. Since the appropriation for relief, plus certain others made at the Special Session, totaled \$10,716,000, it was argued that the excess over the estimated receipts constituted a debt in violation of the Constitution, and was invalid. The Court sustained the \$10,000,000 appropriation for relief, and held in brief that the Legislature's power over financial matters was supreme, but that if appropriations actually exceeded income during any biennium, the appropriation must be abated to the extent required by the actual receipts. In connection with this decision, the court made the following comment:

"Legislative power is vested in the General Assembly by article II, section 1, and its power is supreme on all such subjects, unless limited by the Constitution. The control of the state's finances is entirely in the legislature, subject only to these constitutional limitations; and, except as thus restricted, is absolute. Unless expressly prohibited or otherwise directed by that instrument, appropriations may be made for whatever purposes and in whatever amounts the law-making body finds desirable. The legislature in appropriating is supreme within the limits of the revenue any moneys at its disposal."

In view of this case, the conclusion seems inevitable that the Legislature may make an appropriation and levy any taxes it sees fit, regardless of the Governor's estimates. However, if the actual receipts turn out to be insufficient to meet the appropriations made, they must be abated. Under the case just referred to, the order of abatement is set forth, but this is not essential in the present connection. Of course, the Governor is given power under Article 4, Section 16, to disapprove appropriations, and unless such appropriations are thereafter passed over his disapproval, the Governor's action in this respect is final.

A question somewhat similar to one involving the force and effect of the Governor's estimates, arose in the case of *Woodward v. Phila. ex rel.* 333 Pa. 80 (1938). In this case, the question involved was the force and effect of the city controller's estimates of receipts from taxes and from other sources. The court held the controller's estimates of receipts from taxes were not binding on the city council, but that his estimates of receipts from miscellaneous sources were binding. However, the ruling in this case was dictated by the specific provision of the City Charter Act, which is, of course, binding upon both controller and council.

Except for constitutional provisions, the General Assembly is not bound in any way.

In conclusion it may be stated that it is entirely within the power of the General Assembly to make any appropriations, or pass any tax legislation which

it sees fit, regardless of any estimates which the Governor may have submitted along with his budget as to the incoming revenues and the amounts to be raised by taxation or otherwise.

Mr. Speaker, may I in conclusion, add this remark, the tax measures are now going through the House, you will have the tax anticipation note bill before you in a moment, the budget you will consider next week, the entire fiscal problem facing the state of Pennsylvania has been studied completely, you are receiving an honest and a truthful report of the decisions that face the Commonwealth. I realize how difficult it must be for the minority Members of this House to be put in the position of knowing that their party ran over the entire State of Pennsylvania some two years or more ago complaining bitterly to the people of Pennsylvania about the tax bills that the Democrats had passed. I know how bitter it must have been to find yourselves in the position that you reenacted those bills, that the very thing that you condemned to the high heavens you took unto yourselves as your own child. I know how bitter you must now feel to realize that you have told the people of Pennsylvania "we are going to give you tax reductions," and then find that the powers in your party are so motivated by a desire to spend money, that they do not desire to give the people tax reduction, and that it remains for the party that enacted those taxes, and to the party that said that when they did enact those taxes "at the first possible moment we will give you relief," to correct the existing situation. In the Democratic administration we did give relief to the tune of some twenty five million dollars. We are coming before the people of Pennsylvania and telling them that we will continue in the purpose of relieving the people of Pennsylvania from these emergency taxes at the very earliest moment, and that very earliest moment, is now, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, if I did not feel that the gentleman does not understand the situation, I would accuse him of deliberately misrepresenting one very important fact, and that is the question of the repayment of the special funds. The gentleman gets up here on the floor of this House without any provocation, without any cause, and being in a position in which he should know it is not true, and suggests that the administration by anything in the budget or anything in their remarks or anything in their actions or anything that they have done or said does not intend to repay the special funds. He suggested the administration intends to deliberately violate the law by not repaying these special funds. He should know, if he does not, that that statement is absolutely false. There is no ground for making that statement. He reads figures out of the budget and says that we all know there is more money that will come in than is contained in the budget. That is a deliberate misrepresentation, Members of the House. All of the Members of this House know that the budget was submitted to this House on February 3d, and that since that time it developed, it was necessary to make additional borrowings. The gentleman well knows that in that bill which the Governor signed, there was a clause requiring the repayment of those funds. The gentleman well knows that they have deliberately sabotaged the program so as to prevent the repayment of those funds within the time limit in which they were promised, and which we as

Members on this side of the House as well as the Governor intend to repay. They made every effort it was possible to make by their acts and by their thoughts to prevent the repayment of those funds within the time limit in which we agreed to repay them.

They have already delayed by a matter of weeks the repayment of those funds. Then they come along and try to tell the people of the Commonwealth of Pennsylvania that the Governor deliberately intends not to repay those funds. That is not right; and the gentlemen on the other side know, if they have any understanding at all, that it is not a true statement of the situation.

And now, Mr. Speaker, the gentleman wants to know what the moneys of the next biennium have to do with the repayment of these funds to schools and hospitals and things of that sort. I will tell you what they have to do with it. The estimates of revenue which were submitted by the gentleman were a little too high for the last biennium, and as a result of that there is not enough money to keep on paying relief, nor will there be enough money, not only in May but in June, for the payment of relief if there are no appropriations made to pay it. It is necessary to withhold a certain amount of cash money from these people, every one of them would be paid today,—I am referring now to the hospitals and homes and first, second and third class school districts,—they would be paid today, had the gentlemen on the other side passed the tax bills and the tax anticipation note bill in time to have them signed by the Governor before this date.

The gentleman has entered into a long legal argument suggesting that the opinion of the Attorney General was wrong, that he did not know what he was talking about and the Supreme Court has decided otherwise. As a matter of fact what the opinion of the Attorney General is doing is interpreting the opinion of the Supreme Court that he was reading. Mr. Speaker, this opinion is not the opinion of the present Attorney General as he would lead you to suggest, or as he would lead you to believe. This opinion No. 51 was in effect and recognized as the law of the Commonwealth of Pennsylvania by George Earle during the four years that he was Governor of the Commonwealth of Pennsylvania. This is an opinion which was written by the Honorable William H. Schnader. But casting all that aside, let us say that the gentleman has something in his argument, although I will not admit there is anything in it because in fact and in truth there isn't, but let us say now for the sake of this argument there is something in it, it still does not change the situation which I have argued on the floor of the House and which the gentlemen on the other side well know exists. That is this, if there would be a material doubt in the minds of the bankers, what would they do? What would a title searcher do if there is a material doubt as to whether or not a transfer was legal or not? He would say, "No.". What does any attorney who passes upon bond issues do if there is any doubt? He says, "No.". The bankers would not touch them and the gentleman well knows that. Even if the situation as suggested by the gentleman is true, even if there were any element of sound law in it, still the bankers of the Commonwealth of Pennsylvania if there were any doubt at all would say, "No.", and there would be no bids on the tax anticipation notes and the gentleman well knows it.

Now, Mr. Speaker, the situation as it definitely was stated by him, is such that no matter what you do you are

causing delays in the payment to the people of the Commonwealth of Pennsylvania to which they are entitled. Imagine, the gentleman on the other side studying this matter for one hundred seven days, comes before the people of Pennsylvania and says, "Why, this program ought to be passed by the Senate". When? Tomorrow, one day; tomorrow - we are going to start in on it. There are no grounds for assuming that the Senate will start on these bills tomorrow and get them passed by May 31st. Imagine suggesting that a deliberative body of the Commonwealth of Pennsylvania should accept a program which they first saw today and accept that program and pass it within five days, after one hundred seven days work consumed by you in studying the program. What would they think the gentleman on the other side would likely do? What would the gentleman expect from the other side. On the basis of the gentleman's faith, hope and charity speech they would expect that the gentleman would say, "Well, the revenues are not high enough". They would expect that the gentleman on the other side would say, "Additional revenue is necessary in order to carry out this budget," instead of coming in here and saying, "There is a lot of revenue here; there is all and more than we need." That was his opinion. What has been the change in that situation? What has been the change in the situation between the day the gentleman on the other side made that famous faith, hope, and charity speech, and today when he is putting in an estimate of revenue without any basis of fact? I will tell you what the change has been. The change has been that the revenues, which were expected to be brought in during that period are falling millions and millions of dollars below the amount which was expected. There have been changes, certainly there have been changes, but what have those changes been? Those changes have been an indication that the estimate of revenues made on the day that the Governor gave his budget message, and on the day that the gentleman from Monroe made his famous faith, hope, and charity speech, are falling below what they were expected to be on that day. So, the Senate faced with an absolutely new problem, faced with the alternative brought out after one hundred seven days, is asked by the gentleman on the other side to swallow this program, which I am sure will eventually be shown to be absolutely and maliciously false, to swallow this program in a matter of five days.

Mr. Speaker, I do not believe you can convince the people of Pennsylvania that you are playing fair, not only with the Senate, but I do not believe you can convince the people of Pennsylvania you are playing fair with them.

One other thing. The gentleman talked about a bitter pill. I admit it was a bitter pill to swallow all of these emergency taxes in 1939 and, Mr. Speaker, I admit it is a bitter pill to swallow these emergency taxes again. That is a long story, and I am only going to talk about it very briefly. I want to call the attention of the gentlemen on the other side and the people of the Commonwealth of Pennsylvania to the fact that had it not been for the vast economies made during the present administration, had it not been for the postponement of moneys, had it not been for the raw deal given to Pennsylvania by the New Deal in reference to the amount of W. P. A. help, it would not have been necessary to reenact many of the emergency taxes at this session of the Legislature. It

would not have been necessary to enact much more than the emergency taxes at this Session of the Legislature. What has taken place in recent months? The number of people on W. P. A. has been reduced from around 147,000 at the time the budget message was given, to around 95,000 at the present time. Has the reduction in this country been anything like that? Certainly not. It is discrimination against the Commonwealth of Pennsylvania. Every effort has been made by the New Deal, both in Washington and in Pennsylvania, to ruin the opportunity of Governor James to carry out his promises not to increase taxes for Pennsylvania. Then it becomes a matter of interest—don't you remember the 1939 session how the gentlemen on that side, particularly the floor leader, the gentleman from York, Mr. Cohen, paced up and down that aisle and shouted about the need for additional taxes and how we would have to call a Special Session in order that additional taxes could be added on. And there were none. And don't you remember in the Special Session of 1940 when we were transferring funds, that the people on the other side got up and talked about how this was not the way to meet the situation? Don't you remember the very last speech made by the gentleman from York, Mr. Cohen, on this program, and he finally came out with an alternative program? What was it? That we should put on additional taxes because in 1941 we would be called in here to put on the additional taxes. All of you Members who served in this House during the 1940 session remember that speech. You remember how in the very final speech of that program he finally came out with the true situation. It was the proposition that there had to be additional taxes in 1941.

That was in 1940. That was not so long ago. That was their position at that time. You recall what the Governor said about it at that time in his message. The Governor said:

"Likewise, we are told that the administration would levy a hundred million dollars in new taxes during 1939. When that year ended without a cent of new taxation, the prophets revised their forecasts to say the new taxes were inevitable during 1940.

"Now that the present session has been summoned without any mention of new taxes in the call, I note from the newspapers that the prophets have again revised their predictions and are saying that new taxes are inevitable during the spring of 1941."

Mr. Speaker, new taxes were not enacted in 1939. They were not enacted in 1940 and they are not necessary in 1941. In spite of that fact the gentleman gets up and gives a long oration immediately after the budget message in which he talks about the unwarranted hope that existed in the estimate of revenues, as contained on February 3rd in the budget as presented by the Governor of this Commonwealth. That budget stands today as it stood then, as a sound financial program for the Commonwealth of Pennsylvania.

Mr. ACHTERMAN. Mr. Speaker, without endeavoring to answer categorically everything the gentleman said in his last statement, I want only to make this comment in relation to his allegation that the Democrats both here in Harrisburg and in Washington, are doing everything they could to ruin the James Administration, we don't have to do anything to ruin the James administration. All we have to do is let the James administration, the Republican administration, continue on skyrocketing the payroll like they have been doing, and ignoring the

people on the problem of tax relief, and they will ruin the administration without any effort on our part.

Mr. WOODSIDE. Mr. Speaker, if it is the thought of the gentleman from Monroe that the James administration is going to ruin itself, why doesn't he adopt the budget suggested by the James administration and then let the people of Pennsylvania decide whether the James budget ruins the Republican administration or not.

Mr. ACHTERMAN. Mr. Speaker, I would like to do something more than that, but I realize that I and my party do represent the people of Pennsylvania, and someone has to come to their aid.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman.	Gallagher.	Maxwell.	Riley.
Allmond.	Gerard.	McClanaghan.	Rooney.
Auker.	Gillan.	McClester.	Rose, S.
Baker.	Goodwin.	McDermott.	Rosenfeld.
Balthaser.	Greenwood.	McDowell.	Royer.
Baughner.	Gross.	McFall.	Rush.
Bentley.	Gryskewicz.	McGrath.	Sarraf.
Bentzel.	Gyger.	McIntosh.	Scanlon.
Boles.	Habbyshaw.	McKinney.	Schwab.
Boney.	Haberien.	McLanahan.	Serrill.
Bradley.	Haines.	McLane.	Shaffer.
Brown.	Hall.	McMillen.	Shaw.
Brunner, P. A.	Hamilton.	Melchiorre.	Shepard.
Burns.	Hare.	Mihm.	Skale.
Burris.	Harkins.	Modell.	Stine.
Chervenak.	Harris.	Monks.	Stockham.
Chudoff.	Heatherington.	Mooney.	Tarr.
Cochran.	Hering.	Moran.	Tate.
Cohen, M. M.	Herman.	Moul.	Taylor.
Cohen, R. E.	Hersch.	Mulr.	Thompson, E. F.
Cook.	Hewitt.	Munley.	Trout.
Cordier.	Holland.	Nunemacher.	Van Allsburg.
Corrigan.	Huntley.	O'Brien.	Verona.
Croop.	Jefferson.	O'Connor.	Vincent.
Cullen.	Jones, G. E.	O'Mullen.	Vogt.
Dalrymple.	Jones, P. N.	O'Neill.	Weingartner.
Dennison.	Keenan.	Owens.	Welss.
DiGenova.	Kenehan.	Petrosky.	Welsh, E. B.
Dix.	Kilne.	Pettit.	Welsh, M. J.
D'Ortona.	Knoble.	Polaski.	Wilkinson.
Duffy.	Kolankiewicz.	Polen.	Williams.
Early.	Komorowski.	Powers.	Winner.
Elder.	Lee, E. A.	Prosen.	Wolf.
Elliot.	Leonard.	Rausch.	Wood, L. H.
Ely.	Lesko.	Readinger.	Wood, N.
Falkenstein.	Leydic.	Reagan.	Woodring.
Finestone.	Lichtenwaiter.	Reese, D. P.	Wright.
Finnerty.	Longo.	Reese, R. E.	Yeakel.
Fliss.	Lovett.	Regan.	Yester.
Flynn.	Malloy.	Reynolds.	Kilroy.
French.	Marks.	Rhea.	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 234, as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 53) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine and December thirty-first one thousand nine hundred forty at the rate of eight mills upon each dollar of the actual value thereof for the calendar years ending December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two at the rate of seven mills upon each dollar of the actual value thereof and thereafter at the rate of four mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of eight mills or seven mills or four mills as the case may be on the dollar upon the actual value of all the shares of stock said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 164

Achterman,	Goodwin,	McClester,	Rose, S.,
Allmond,	Greenwood,	McDermott,	Rosenfeld,
Auker,	Gross,	McDowell,	Royer,
Baker,	Gryskewicz,	McFall,	Rush,
Balthaser,	Gyger,	McGrath,	Sarra,
Baughner,	Habbyshaw,	McIntosh,	Scanlon,
Bentley,	Haberlen,	McKinney,	Schwab,
Bentzel,	Haines,	McLanahan,	Serrill,
Boney,	Hall,	McLane,	Shaffer,
Bradley,	Hamilton,	McMillen,	Shaw,
Brown,	Hare,	Melchiorre,	Shepard,
Brunner, P. A.	Harkins,	Mihm,	Skale,
Burns,	Harmuth,	Modell,	Stine,
Chervenak,	Harris,	Monks,	Stockham,
Chudoff,	Heatherington,	Mooney,	Tarr,
Cochran,	Hering,	Moran,	Tate,
Cohen, M. M.,	Herman,	Moul,	Taylor,
Cohen, R. E.,	Hersch,	Muir,	Thompson, E. F.,
Cook,	Hewitt,	Munley,	Trout,
Cordier,	Holland,	Nunemacher,	Turner,
Corrigan,	Huntley,	O'Brien,	VanAllsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Cullen,	Jones, G. E.,	O'Mullen,	Vincent,
Dennison,	Jones, P. N.,	O'Neill,	Vogt,
DiGenova,	Keenan,	Owens,	Weingartner,
Dix,	Kenehan,	Petrosky,	Welss,
D'Ortona,	Kilne,	Pettitt,	Welsh, E. B.,
Duffy,	Knoble,	Polaski,	Welsh, M. J.,
Early,	Kolankiewicz,	Polen,	Wilkinson,
Elder,	Komorowski,	Powers,	Williams,
Elliott,	Lee, E. A.,	Prosen,	Winner,
Ely,	Leonard,	Rausch,	Wolf,
Falkenstein,	Levy,	Readinger,	Wood, L. H.,
Finestone,	Leydic,	Reagan,	Wood, N.,
Finnerty,	Lichtenwalter,	Reese, D. P.,	Woodring,
Fiss,	Longo,	Reese, R. E.,	Woodside,
Flynn,	Lovett,	Regan,	Wright,
French,	Malloy,	Reynolds,	Yeakel,
Gallagher,	Marks,	Rhea,	Yester,
Gerard,	Maxwell,	Riley,	Kilroy, Speaker
Gillan,	McClanaghan,	Rooney,	

NAYS 2

Boles, Burris,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 230, as follows:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the twenty-second day of June one thousand nine

hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as last reenacted and amended by the act approved the fifth day of May one thousand nine hundred thirty-nine (P. L. 76) are hereby reenacted and further amended to read as follows

An Act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exemptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of [four] three mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence or indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individuals citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loan shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company And Provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] three mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] three mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies fireman's relief associations or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individ-

ual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnership unincorporated associations and

joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and returned The day so fixed shall be between the first and fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax due the Commonwealth as required of tax against such resident of the amount of tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the assessment in the manner hereinafter provided

Section 7 Assessments Made at any Time within Five Years An assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and apaid

Section 8 Petition for Reassessment Appeal (a) Any resident against whom an assessment is made may petition the department for a reassessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings as may be necessary to hear and determine petitions for reassessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for reassessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for reassessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for reassessment he shall have the right to appeal to the court of common pleas of the county where he resides at any time within sixty (60) days after notice of such action is given to him by the department. If any resident shall fail to give due notice of an intention to petition for reassessment and to file a petition for reassessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid. In all cases of petitions for reassessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court.

Section 9 Information at Source Reports (a) The executor of every will and administrator of every estate at the time of filing with the register of wills or clerk of the orphans court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act. The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department. It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax.

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in his office for recording which record shall set forth the following information to wit: The date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgages and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record. For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement. Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department.

(c) It shall be the duty of the prothonotary or clerk of

the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office. Such daily record shall set forth the following information to wit: The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month.

The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment.

Section 10 Compensation of Recorders and Prothonotaries or satisfaction thereof reported to the department as heretofore required in this act. Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like manner as other fees received by such recorders prothonotaries or clerks. Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports. And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars (\$600.00) per annum.

Section 11 Due Date. All taxes imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year.

Section 12 Interest. The tax imposed by the third section of this act shall bear interest at the rate of six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid.

Section 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated.

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed.

Section 14 Credits for Overpayment. The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth to which the Commonwealth is not rightfully or equitably entitled. Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes. No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made.

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequent becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon. Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate.

Section 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law.

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court.

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars (\$500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court.

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section nine of this act shall be subject to a penalty of twenty-five dollars (\$25.00) for the first day and ten dollars (\$10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected.

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county.

Section 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act.

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act. Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized. The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property. The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers.

Any information gained by the department as a result of any returns investigations hearings or verifications required or authorized by this act and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars (\$500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court.

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law.

Section 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein except first class or nonprofit corporations are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty [and] one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three on reports filed for the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine [and] one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine [and] one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred [forty-two] forty-four and every year thereafter on reports filed for the calendar years one thousand nine hundred [forty-one] forty-three (or for any fiscal year beginning in the calendar year one thousand nine hundred [forty-one] forty-three) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter. Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section. Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest. Where any private corporation shall assume such evidences of indebtedness

or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deductions from interest due as herebefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest bearing accounts in any bank banking institution savings institution employees thrift or savings association whether operated by employees or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws 507) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the tax imposed herein on any of such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor unions relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members or such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executors or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall be liable for the tax imposed by

this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for state purposes shall be taxed or taxable for county school or other local purposes And provided further That the provisions of this section shall not apply to personal property of the classes hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created or existing under the laws of this Commonwealth or doing business within this Commonwealth as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth or any such property whatsoever owned held or possessed by any person or persons copartnership or unincorporated association resident in this Commonwealth company joint-stock company or association limited partnership bank or corporation created and existing under the laws of this Commonwealth or doing business within this Commonwealth in the capacity of executor or administrator of a nonresident decedent or as trustee agent or attorney-in-fact for any resident or nonresident religious charitable scientific literary or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

Section 18 Reports and Payments of the State Tax by Private Corporations and Municipalities: (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except nonprofit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bonds certificates or evidences of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such in-

debtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars (\$1,000) or fractional part thereof one per centum on all amounts over one thousand dollars (\$1,000) and not over two thousand dollars (\$2,000) and one half of one per centum on all amounts over two thousand dollars (\$2,000) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as repealing any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (P. L. 507) on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section 21 Effective Date This act shall become effective immediately upon its final enactment and be in force for the assessment and collection of taxes under section three of this act for the calendar years one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty and one thousand nine hundred forty-one at the rate of four mills on each dollar of value and for the years one thousand

nine hundred and forty-two and one thousand nine hundred forty-three at the rate of three mills on each dollar of value and for the collection of taxes under section seventeen of this act for the calendar year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven and for every year thereafter

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. ACHTERMAN. Mr. Speaker, this is a bill providing for the reduction of the personal property tax from four mills to three mills. Some question has been raised whether or not there was a necessity for the sake of uniformity to make a similar reduction in Section 17 of the corporate loans tax act. I point out to the membership of this House that the ascertainment of the base on which the tax is placed is different in regard to corporate loans in relation to what is known purely as personal property tax. We are of the opinion that we have not violated the law in relation to uniformity. However, may I say when the question is placed before the Senate, in the event they come to a different conclusion, we will be prepared to discuss it with the Senate, and if necessary the budget figures as submitted by our party will indicate, or I believe will indicate that that reduction can also be made.

On the question recurring.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 158

Achterman,	Gallagher,	Maxwell,	Rhea,
Allmond,	Gerard,	McClanaghan,	Riley,
Auker,	Gillan,	McClester,	Rooney,
Baker,	Goodwin,	McDermott,	Rose, S.,
Balthaser,	Greenwood,	McDowell,	Rosenfeld,
Baughner,	Gross,	McFall,	Rush,
Bentley,	Gryskewicz,	McGrath,	Sarra,
Bentzel,	Gyger,	McIntosh,	Scanlon,
Boney,	Habbyshaw,	McKinney,	Schwab,
Bradley,	Haberlen,	McLanahan,	Serrill,
Brown,	Hall,	McLane,	Shaffer,
Brunner, P. A.,	Hamilton,	McMillen,	Shaw,
Burns,	Hare,	Melchiorre,	Shepard,
Burris,	Harkins,	Mihm,	Skale,
Chudoff,	Harris,	Modell,	Stine,
Cochran,	Hetherington,	Monks,	Stockham,
Cohen, M. M.,	Hering,	Mooney,	Tarr,
Cohen, R. E.,	Herman,	Moran,	Tate,
Cook,	Hersch,	Muir,	Taylor,
Cordier,	Hewitt,	Munley,	Thompson, E. F.,
Corrigan,	Holland,	Nunemacher,	VanAlsbury,
Croop,	Huntley,	O'Brien,	Verona,
Cullen,	Jefferson,	O'Connor,	Vincent,
Dennison,	Jones, G. E.,	O'Mullen,	Vogt,
DiGenova,	Jones, P. N.,	O'Neill,	Weingartner,
Dix,	Keenan,	Owens,	Welsh,
D'Ortona,	Kenahan,	Petrosky,	Welsh, E. B.,
Duffy,	Knoble,	Pettit,	Welsh, M. J.,
Early,	Kolankiewicz,	Polaski,	Wilkinson,
Elder,	Komorowski,	Polen,	Williams,
Elliot,	Lee, E. A.,	Powers,	Winner,
Ely,	Leonard,	Prosen,	Wolf,
Falkenstein,	Levy,	Rausch,	Wood, L. H.,
Finestone,	Leydic,	Readinger,	Woodring,
Finnerty,	Lichtenwalter,	Reagan,	Woodside,
Fliss,	Longo,	Reese, D. P.,	Wright,
Flynn,	Lovett,	Reese, R. E.,	Yeakel,
French,	Malloy,	Regan,	Yester,
	Marks,	Reynolds,	Kilroy, Speaker

NAYS 7

Boies,
Haines,Kline,
Moul,Royer,
Trout,

Wood, N.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to the first reading calendar. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 571, entitled:

An Act making an appropriation to the Department of Public Assistance, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred and forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor, the Auditor General, and the State Treasurer or the majority thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

RECONSIDERATION OF HOUSE BILL NO. 1025

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which House Bill No. 1025, Printer's No. 608, entitled

An Act relating to attorneys-at-law; regulating the admission of persons to said office, by prescribing the conditions upon which, and the method by which law colleges and schools shall be entitled to receive certificates of approval as institutions of learning, properly qualified to prepare registered law students for admission to any final examination for the practice of law in this Commonwealth, and the effect thereof upon such law students and upon examining boards or commissions: authorizing the collection of fees for services to be rendered hereunder; prohibiting certain acts or omissions; and imposing penalties; prescribing the procedure by which such approval may be enforced, suspended, revoked and reinstated; limiting the construction of this act; and repealing all acts and parts of acts inconsistent herewith.

was declared by the House to be unconstitutional on Thursday, May 5th, 1941, be reconsidered.

Mr. OWENS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Heatherington, vote on the final passage of this bill?

Mr. HEATHERINGTON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Cambria, Mr. Owens, vote on the final passage of this bill?

Mr. OWENS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. BROWN. Mr. Speaker, I am going to ask the House to agree to reconsider the action taken on last Thursday for the reason that I was accused of being rather unfair in

taking advantage of a light House and without giving proper notice to some of the Members. I did not intend to do that. I thought when we stayed here, we did so to transact business. The question of whether the House is light is of no concern to the business transacted. However, since I have been accused of being unfair,—the thought that should characterize the actions of all the Members should be the question of fairness and opportunity to study,—while I am of the opinion today that I was on last Thursday that the bill is unconstitutional, I am not going to oppose the motion to reconsider the vote. I believe it has been my experience here that in many instances we have given the courtesy of reconsideration, although we did not necessarily recede from our positions. That is the position I take on this motion.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Brown.

Mr. BROWN. Mr. Speaker, I have asked the House to recede from its position of having declared this bill unconstitutional so that it may be placed on the calendar for whatever disposition the House wishes to make of it. I do not yield in my position, however, that the bill is unconstitutional.

The SPEAKER. Does the gentleman from Allegheny, Mr. Brown withdraw his constitutional point of order?

Mr. BROWN. I do, Mr. Speaker. I hereby withdraw my point of order on the question of constitutionality raised last Thursday on the bill.

BILL RECOMMITTED

Mr. HEATHERINGTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Mr. ACHTERMAN. Mr. Speaker, in our efforts yesterday the House overlooked one of the greatest events that has occurred in Pennsylvania. I realize we have been derelict in our duty, and I now ask, Mr. Speaker, leave to offer a resolution to correct that dereliction.

Mr. ACHTERMAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, May 22, 1941.

There comes a great day in the life of every good man—that day, scarcely considered in early youth, then dreamed of, hoped for, worried over, and finally becoming a reality—the day when the first child is born

To a member of the Legislative Correspondents' Association and his faithful spouse this thrill that comes but once in a lifetime has just occurred. At the Harrisburg Hospital, on May 21st, 1941, was born Gerry Lee Wilcove, the eight pound son of Ray Wilcove, a familiar figure about the legislative halls, a representative of the International News Service, and a mighty fine fellow; therefore be it

Resolved, That the House of Representatives hereby congratulates Mr. and Mrs. Ray Wilcove on the birth of their son, and wish the married couple, who have now assumed the dignity of the status of a family, much health and hap-

piness; and hereby direct the Chief Clerk to transmit a copy of this Resolution to them at their residence, 1622 Sycamore Street, Harrisburg, Pennsylvania.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. AUKER. Mr. Speaker, I rise to a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. AUKER. Can the Speaker inform me whether it is not a time honored and well established custom that those to whom a first child is born generally furnish cigars to those who congratulate them?

The SPEAKER. For the information of the gentleman the new father passed around several boxes yesterday.

Mr. AUKER. I didn't get any, Mr. Speaker.

The SPEAKER. And you will not now.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 376

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 376, entitled:

An Act To amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale which has been used and re-refined unless such oil exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser and the disguising and camouflaging of equipment used for marketing liquid fuels lubricating oils and similar products.

And has appointed Messrs. THOMAS B. WILSON, CARR and SHAPIRO a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 364

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 364, Printer's No. 500, for the purpose of amendment. Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. HEATHERINGTON. Mr. Speaker, I move that the communication from the Governor together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1021

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1021, Printer's No. 528, for the purpose of amendment.

Accordingly the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. HINES. Mr. Speaker, I move that the bill, together with the communication be laid on the table.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SKALE.

The House resumed the consideration on third reading of House Bill No. 1406, (Senate Bill No. 588) entitled:

An Act To protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof either by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgment.

On the question, recurring

Will the House agree to the bill on third reading?

Mr. SKALE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend line 4 of the title by striking out the last word of said line, "either."

Amend Section 1, page 2, line 3, by inserting after the word "sold," the following: "directly or indirectly."

Amend page 2, line 4, by striking out after the word "execution," the following: "or foreclosure."

Amend Section 1, page 2, line 7, by striking out after the word "to," the following: "secure or," "and all of lines 8, 9, and 10," and inserting in lieu thereof the following: "collect the balance due on said judgment interest and costs."

Amend Section 1, page 2, line 20, by striking out the words "to be."

Amend Section 1, page 2, line 20, by inserting after the words "value of the," the following: "real."

and after the word "sold," the following: "as aforesaid."

Amend Section 2, page 2, line 23, by striking out the words "shall set forth."

Amend Section 2, page 2, sub-section A, line 24, by inserting after sub-section (a), the following: "Shall set forth."

and striking out on line 24, "The," and inserting "the."

Amend page 2, line 28, by striking out the word "said" and inserting in lieu thereof: "the;"

Amend page 2, line 26, by inserting after the word "debt" the following: "for which the judgment was entered;"

Amend page 3, line 1, by inserting after section "b," the following: "Shall contain;" and by striking out "A" and inserting in lieu thereof: "a;"

Amend page 4, line 4, by striking out "said respondent or respondents may be served," and inserting in lieu thereof the following: "the court may direct service;"

Amend page 4, line 22, by striking out the word "be" and all of lines 23 and 24, and inserting in lieu thereof the following: "prevent proceedings against respondent or respondents named and served;"

Amend page 5, line 10, by striking out after the word "petition," the following: "the plaintiff or plain-" and all of lines 11, 12, 13, 14, 15, 16, 17, and 18, down to and inclusive the word "whereupon;"

Amend page 5, line 19, by striking out after the word "shall," the following: "order the sale to be proceeded with forthwith," and inserting in lieu thereof the following: "determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value;"

Amend page 5, line 20, by striking out all of said line and on line 21, the first two words thereof, "for or."

Amend page 5, line 21, by striking out the word "if," and inserting in lieu thereof: "If,"

Amend page 5, line 23, by striking out the word "and," and inserting in lieu thereof the word: "but."

Amend page 5, line 24, by striking out, beginning with the words "the plain-," all of lines 25, 26, 27, 28, and on page 6, lines 1, 2, 3, 4, and on line 5, the first word "upon," inclusive.

Amend page 6, line 5, by inserting after the word "fair," the following: "market;"

Amend page 6, line 7, by striking out the words "and shall order the sale," and all of line 8, and inserting in lieu thereof the following: "thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debts to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt;"

Amend page 6, line 20, by inserting after the word "claims," the following: "not discharged by the sale and also less the amount of any such items;"

Amend page 7, line 15, by striking out after the word "claims," the balance of said line and on line 16, the first word, "sale;"

Amend page 7, line 15, by inserting after the word "claims," the following: "not discharged by the sale and also less the amount of any such items paid the distribution on the sale;"

Amend page 7, line 21, by inserting after the word "aforesaid," the following: "and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt;"

Amend page 8, line 23, by inserting after the word "property," the following: "provided however that if the sale occurred prior to the effective date of this act the plaintiff

shall file such petition within six months after the effective date of this act";

Amend page 10, line 2, by striking out, after the word "event," the following: "any clause or," and one line 3, the first word thereof, "section."

Amend page 10, line 2, by inserting after the word "event," the following: "the;"

Amend page 10, line 3, by adding the letter "s" to the word "provision";

Amend page 10, line 3, by striking out the words "which relates," and inserting in lieu thereof the following: "as applied";

Amend page 10, by inserting between lines 7 and 8, the following: "in the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the legislature that this act do then apply only to obligations created after the effective date of this act."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Ways and Means on House Bill No. 1403 on Tuesday, May 27, at 7:00 p. m., Eastern Standard Time, in the New House Caucus Room.

Joint Hearing on House Bills Nos. 1671 and 1403.

The Committee on Education will hold a Joint Hearing on H. B. 1671, now substituted for H. B. No. 1, on Tuesday, May 27, at 7:00 p. m. Eastern Standard Time with the Ways and Means Committee which will hold a hearing on H. B. 1403 at the same time.

Members are reminded of the arrangements made to show the Newsreel of the Philadelphia Gas Explosion, to be held in the Hall of the House on Monday evening, May 26 at 7:00 o'clock, Eastern Standard Time.

ADJOURNMENT

Mr. WOLF. Mr. Speaker, I move that this House do now adjourn until Monday, May 26, 1941, at 8 p. m.

The motion was agreed to, and (at 12:59 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, MAY 26, 1941.

No. 59.

SENATE

MONDAY, May 26, 1941.

The Senate met at 3:30 o'clock p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, Our Heavenly Father, we come to Thee today to start a new week after having had the opportunity to refresh our spirits and souls at that fountain that has no limits, and we pray as we come to Thee this week that Thou wilt guide us that we may assume our tasks with honor and that we may perform our duties with glory, not for ourselves but for Thee and for the people whom we represent. We ask it in the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. MILLER and Mr. COLEMAN, the further reading was dispensed with, and the Journal was approved.

RESOLUTION

REQUESTING USE OF SENATE CHAMBER FOR
PUBLIC HEARING ON PUBLIC UTILITIES

Mr. MALLERY. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 26, 1941.

Resolved, That the Committee on Public Utilities of the Senate of Pennsylvania be granted the use of the Senate Chamber for a public hearing on Senate Bills Nos. 103, 107, 108, 189, 237 and 783, to be held on Monday, May 26, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

TIME OF NEXT MEETING

Mr. FARRELL. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FARRELL offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 26, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 2, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 2, 1941, at 8 o'clock p. m. (Eastern Standard Time).

RESOLUTION URGING ADJOURNMENT SINE DIE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO offered the following resolution which was twice read:

In the Senate, May 26, 1941.

Resolved, (if the House concur), that the Senate adjourn sine die on Thursday, the 12th day of June, A. D. 1941, at 5 o'clock, n. m., Eastern Standard Time.

MOTION TO SUSPEND RULE 39

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

On the question,

Will the Senate agree to the Resolution?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman state the reason for his objection to this adjournment resolution?

Mr. GELTZ. Mr. President, the only reason I have for objecting to immediate consideration of this resolution is that we have not the slightest idea at this time as to when we can adjourn. We are just getting the tax bills and the tax program over from the House, where they might just as well have been in a vault, it seems to me, for a great many weeks, because apparently nothing of any consequence was done with them, and no one can tell at this time, unless he is a mental wizard, with all due respect to our colleague from Philadelphia, as to when is the proper time for an adjournment resolution to become effective.

Mr. SHAPIRO. Mr. President, is the gentleman aware of the fact that the general appropriation bill will be here on Wednesday, and that the relief bill will be here on Tuesday for action by the Senate, and that in effect prac-

tically cleans up all the work the House can do with respect to the fiscal program of the Senate.

Mr. GELTZ. Mr. President, I believe my colleague from Philadelphia County asked me if I was aware of that fact. I certainly am not, because after all these weeks and weeks and weeks, it seems to me that we cannot be aware of anything or certain of anything until we have it right in our hands.

Mr. SHAPIRO. Mr. President, I can understand the weakness of the Republican Party, and I am not making a speech on that subject now. What I am trying to find out from the gentleman from Allegheny is whether it will make any difference to him, as to this adjournment resolution and action on it now, if the bill for the general appropriation would come to the Senate on Wednesday, and the relief appropriation bill arrives here tomorrow.

Mr. GELTZ. Mr. President, I explained my reason for my objection to immediate consideration, and I do not see any need for further interrogation in connection therewith.

Mr. SHAPIRO. That is the gentleman's privilege, Mr. President.

The PRESIDENT. There has been objection to immediate consideration of the resolution presented by the gentleman from Philadelphia, Mr. Shapiro, and the resolution is referred to the Committee on Rules.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 26, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Hannah K. Heim, Pittsburgh, 300 Penn Avenue.
Ladimer Malanchuk, Homestead.

Miss Kathryn Parry, Pittsburgh, 1200 Jones Law Bldg.

BLAIR COUNTY

Fred B. Shollar, Altoona.

CAMBRIA COUNTY

Ray J. Dumm, Spangler.

DAUPHIN COUNTY

H. S. Berkstresser, Royalton.

DELAWARE COUNTY

Joseph Anthony Conte, Chester.

FAYETTE COUNTY

Miss Lena M. Show, Uniontown.

FRANKLIN COUNTY

Miss Pauline E Hege, Mercersburg.

INDIANA COUNTY

Raymond Cassel, Indiana.

Miss Helen E. Forbes, Indiana.

LEHIGH COUNTY

Miss Bertha M. Kuhns, Alburtis.

MERCER COUNTY

Miss Irene Kuhn, Sharon.

MONTGOMERY COUNTY

James A. Biddison, Jr., Jenkintown.

Miss Helen Price, Cheltenham Twp., Elkins Park.

NORTHAMPTON COUNTY

Miss Evelyn H. Mohr, Easton.

PHILADELPHIA COUNTY

George N. Dewees, Phila., 206 South 24th Street.

Mrs. Frances H. Franklin, Phila., 724 Samson Street.

Mrs. Rose S. Hurwitz, Phila., 1528 Walnut Street.

Mrs. Lois Harris Kuhn, Phila., M. L. Bayard Co., Inc., 20th St. and Indiana Ave.

Mrs. V. Mae Miller, Phila., 1217 North 29th Street.

Mrs. May Fowden Purnell, Phila., 19 Maplewood Avenue, Germantown.

Franklin B. Reiter, Phila., S. W. Cor. Erie Ave. and D Street.

Mrs. Kay Sack, Phila., 905 Franklin Trust Bldg., 15th and Chestnut Sts.

Edward C. Zwicker, Jr., Phila., 1913 South Cecil St.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for reappointment as Notaries Public, for terms of four years to compute from the dates set opposite their names:

BEDFORD COUNTY

John A. Minnich, Bedford, June 2, 1941.

LYCOMING COUNTY

Miss Catherine M. Lundy, Williamsport, June 2, 1941.

MONTGOMERY COUNTY

Miss Fannie L. Campbell, Conshohocken, June 2, 1941.
George E. Moyer, Hatfield Twp., Broad Street, Colmar, June 2, 1941.

ALLEGHENY COUNTY

J. W. King, Pittsburgh, 336 Fourth Avenue, June 3, 1941.
C. L. Netting, Pittsburgh, Gulf Bldg., June 3, 1941.
James C. Nichols, Pittsburgh, 5300 Penn Avenue, June 3, 1941.

LACKAWANNA COUNTY

Joseph Gorski, Dickson City, June 3, 1941.

LEHIGH COUNTY

David A. Lesavoy, Allentown, June 3, 1941.

PHILADELPHIA COUNTY

Miss Rosanna M. Hill, Phila., Fidelity-Phila. Trust Bldg., June 3, 1941.

VENANGO COUNTY

Miss Edith M. Leach, Oil City, June 3, 1941.

WASHINGTON COUNTY

J. W. Edwards, California, June 3, 1941.

WESTMORELAND COUNTY

Miss Esther L. Feldman, Monessen, June 3, 1941.

ALLEGHENY COUNTY

C. O. Guthman, East Pittsburgh, June 4, 1941.

DELAWARE COUNTY

Mrs. Eleanor Winkler, Lansdowne, June 4, 1941.

MONROE COUNTY

Wilbert J. Nace, Stroudsburg, June 4, 1941.

PHILADELPHIA COUNTY

Miss Gladys M. Bond, Phila., 6250 Market Street, June 5, 1941.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Catherine Culp, Pittsburgh, 1308 First National Bank Building.
John W. Fink, Pittsburgh, 300 34th Street.

BUCKS COUNTY

Mrs. Florence Mae Taylor, Sellersville.

PHILADELPHIA COUNTY

Miss Beatrice Stern, Phila., 5300 North 5th Street.
Miss Catherine F. Wheatley, Phila., 1411 Walnut Street.

WASHINGTON COUNTY

Miss Adah Donnan, Washington.
T. J. Layton, McDonald.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Tyler,
Cavalcante,	Haluska,	Miller,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Scarlett,	Wilson, H. I.,
Crider,	Jaspan,	Shapiro,	Wilson, T. B.,
Crowe,	Kephart,	Snowden,	Woodward,
Deitrick,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBER OF MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John V. Wherry, Grove City, Mercer County, for appointment as a member of the Mercer County Board of Assistance, until December 31, 1941, and until his successor is duly appointed and qualified, vice Dr. W. W. Richardson, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN WYOMING COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs.

Jennie M. Sick, Meshoppen, Wyoming County, for appointment as Justice of the Peace in and for the Borough of Meshoppen, Wyoming County, until the first Monday in January, 1942, vice T. J. McNamara, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN CHESTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate R. Jones Patrick, West Market Street, West Chester, Chester County, for appointment as Justice of the Peace in and for the Borough of West Chester, Chester County, until the first Monday in January, 1942, vice E. Earl Patrick, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS ALDERMAN IN CRAWFORD COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate N. Allen Love, 407 North Kerr Street, Titusville, Crawford County, for appointment as Alderman in and for the First Ward of the City of Titusville, Crawford County, until the first Monday in January, 1942, vice Robert A. Kerr, deceased.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 232

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 232, Printer's No. 68, entitled "An Act to validate and quiet the title to lands and buildings heretofore sold by boards of school directors at public auction without full compliance with provisions of law authorizing such sales."

ARTHUR H. JAMES.

COMMUNICATION

The PRESIDENT. The Chair is in receipt of a communication addressed to the gentleman from Philadelphia Mr. DiSilvestro, from Mr. Theodore Rosen, which if there is no objection will be spread upon the journal.

Mrs. Theodore Rosen
239 West Allen Lane
Philadelphia, Pa.

May 23, 1941.

My dear Senator DiSilvestro:

I was very profoundly moved today when I read in the newspaper the account of the passage of your resolution in

the Senate. Yours is the perfect tribute to the perfect man.

I feel that I want to express to you, and thru you to the Senate the very deep appreciation of all of Judge Rosen's family for this resolution and the splendid memorial it proposes.

I should like to have a copy of your resolution if possible.

Yours sincerely,

(Signed) ESTHER KATZ ROSEN.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

PROTESTING PASSAGE OF BILLS PERMITTING INCREASE OF NUMBER OF CLUBS DISPENSING ALCOHOLIC BEVERAGES

Petition from the Catholic Total Abstinence Union of Philadelphia protesting passage of bills permitting increase of the number of clubs dispensing alcoholic beverages.

Also from the West Washington Methodist Church, Washington, Pennsylvania.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 230, (Senate Bill No. 1007), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act," as previously reenacted and amended, by continuing the State personal property tax and the emergency rate of tax on script bonds, certificates and evidence of indebtedness, assumed or on which interest is paid by corporations, for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 231, (Senate Bill No. 1008), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "Corporate Net Income Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 233, (Senate Bill No. 1009), entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances: and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings com-

panies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto, approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 234, (Senate Bill No. 1010), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Which was committed to the Committee on Finance.

House Bill No. 663, (Senate Bill No. 1011), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectable, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Which was committed to the Committee on Finance.

House Bill No. 1418, (Senate Bill No. 1012), entitled:

An Act making an appropriation to the Department of Welfare, for the maintenance of certain homes.

Which was committed to the Committee on Appropriations.

House Bill No. 1419, (Senate Bill No. 1013), entitled:

An Act making an appropriation to the Department of Welfare, for the maintenance of certain hospitals.

Which was committed to the Committee on Appropriations.

House Bill No. 1512, (Senate Bill No. 1014), entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council or the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

SENATE BILL No. 329 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 329, entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The bill will be printed on tomorrow's Calendar.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Finance reported as committed, Senate Bill No. 1008, (House Bill No. 231), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Finance, reported as committed, Senate Bill No. 846, (House Bill No. 228), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by

imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales.

Mr. TALLMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN, from the Committee on Finance, reported as committed, Senate Bill No. 917, (House Bill No. 235), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

Mr. WATKINS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS, from the Committee on Finance, reported as committed, Senate Bill No. 1010, (House Bill No. 234), entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Mr. SNOWDEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN, from the Committee on Finance, reported as committed, Senate Bill No. 1011, (House Bill No. 663), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor or the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Mr. FREY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Finance, reported as

committed, Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness, assumed or on which interest is paid by corporations, for a further limited period of time.

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Finance, reported as committed, Senate Bill No. 847, (House Bill No. 229), entitled:

An Act to further amend section four of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

Mr. COLEMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN, from the Committee on Finance, reported as committed, Senate Bill No. 916, (House Bill No. 232), entitled:

An Act to further amend the act approved the first day of June, one thousand eight hundred eighty-nine (Pamphlet Laws, four hundred twenty), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships and persons.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, from the Committee on Finance, reported

as committed, Senate Bill No. 1009, (House Bill No. 233), entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred seven (Pamphlet Laws, six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

Mr. CARR. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CARR, from the Committee on Public Health, reported as committed, Senate Bill No. 864, (House Bill No. 1270), entitled:

An Act to further amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. TALLMAN. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 846, (House Bill No. 228), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, three hundred forty-one), entitled, as amended, "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined; requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits; prescribing the method and manner of collecting such tax; conferring powers and imposing duties on the Department of Revenue, and persons, as herein defined, engaged in the sale of cigarettes at retail or wholesale; and providing penalties," as previously reenacted and amended, by

extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 847, (House Bill No. 229), entitled:

An Act to further amend section four of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-nine), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof, requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 864, (House Bill No. 1270), entitled:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 916, (House Bill No. 232), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships and persons.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and con-

sideration of Senate Bill No. 917, (House Bill No. 235) entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness, assumed or on which interest is paid by corporations, for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1008, (House Bill No. 231), entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (Pamphlet Laws, two hundred eight), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time, on the net incomes of certain corporations, joint-stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes; and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1009, (House Bill No. 233), entitled:

An Act to further amend section one of the act approved

the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1010, (House Bill No. 234), entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1011, (House Bill No. 663), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor nor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 846, (House Bill No. 228), on second reading, entitled:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of

the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales

be recommitted to the Committee on Finance.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1010, (House Bill No. 234) on second reading, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time

be recommitted to the Committee on Finance.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1007, (House Bill No. 230), on second reading, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time

be recommitted to the Committee on Finance.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1009, (House Bill No. 233), on second reading, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of

tax for a further limited period of time and reducing the rate of tax after such limited period of time

be recommitted to the Committee on Finance.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1011, (House Bill No. 663), on second reading, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

be committed to the Committee on Finance.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 1004 CALLED UP ON SECOND READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1004 on Page 27 of the Calendar, said bill covering the special relief appropriation on second reading.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, for the purpose of clearing the record on this bill, I should like to interrogate the gentleman from Allegheny, Mr. Gertz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand this bill was introduced for the purpose of taking care of relief for the months of June and July, 1941.

Mr. GELTZ. Mr. President, this bill was introduced for the purpose of insuring the continuance of relief after the end of this biennium.

Mr. SHAPIRO. Which means, Mr. President, for the months of June and July, 1941?

Mr. GELTZ. Mr. President, there is no specification as to June and July; that was not the intention.

Mr. SHAPIRO. But, Mr. President, it was the intention that it should begin with the fiscal year.

Mr. GELTZ. That is correct.

Mr. SHAPIRO. The reason I said June and July, Mr. President, was because in conversation in committee it was brought out that it was intended to provide for the months of June and July, if it took that long to finish, and I would like to call attention of the Senate to the fact that this bill does not confine itself to the next biennium, but deals, on page 2, line 5, with "the payment of assistance, administrative expenses, expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid May 31, 1941."

Now, Mr. President, that may be a common phrase in all previous bills, but in my opinion it is not a phrase or a provision which belongs in a bill which is to take care of expenses for the beginning of the next biennium, and if that is necessary in this bill, before we vote on this bill we ought to know how much money is necessary for the balance of the biennium. As I understand it, Mr. President, and I hope the gentleman from Allegheny will correct me if I am wrong, this bill is specifically intended to cover the expenses for the administration and the cost of relief from June 1, 1941. If that is so, by the terms of this bill it is not carrying out that intention.

Mr. GELTZ. Mr. President, this bill, as I stated before, endeavors to make certain that relief will not be stopped at the end of the biennium. I believe this is the regular wording that is inserted in relief bills; I do not know at this time but in all probability it is necessary that that wording be included in the bill to carry on relief over into the next biennium. However, I think that can be easily ascertained before this bill is up for final passage tomorrow, and we will endeavor to do so.

Mr. SHAPIRO. Mr. President, my purpose in calling it to the attention of the gentleman from Allegheny is that this matter be corrected before we come to vote on this bill finally. This is not the usual phrase in section one, because section one is a special phrase dealing with something that has not happened before; it deals with provision being made for the next biennium, and in that provision if you look at the act, you will see it is made for the two fiscal years beginning June 1, 1941, and then there is added after that a provision for any deficiency in the 1939-1941 biennium, which I think is wrong and should not be in this bill.

Mr. GELTZ. Mr. President, I wish to thank my colleague from Philadelphia for raising the question.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 930 (HOUSE BILL No. 1588) CALLED UP ON SECOND READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 930, (House Bill No. 1588) on second reading, page 27 of the Calendar. This bill relates to school taxes for the Philadelphia and Allegheny school districts.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 930, (House Bill No. 1588), entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the methods of collecting such revenue and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by limiting to eleven and three-quarter mills the total school tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. REED. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED read in place and presented to the Chair Senate Bill No. 1015, entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

Which was committed to the Committee on County Government.

Mr. THOMAS B. WILSON. Mr. President, on behalf of Senator Chapman I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. THOMAS B. WILSON and CHAPMAN read in their places and presented to the Chair Senate Bill No. 1016, entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

Which was committed to the Committee on State Government.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE read in place and presented to the Chair Senate Bill No. 1017, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and

seventy-four (P. L. 186), entitled "An act declaring what officers are incompatible," by specifically exempting persons serving in the armed forces of the United States.

Which was committed to the Committee on Military Affairs.

Mr. TAYLOR. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TAYLOR read in place and presented to the Chair Senate Bill No. 1018, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred forty-one and such time as the funds provided by The General Appropriation Act of one thousand nine hundred forty-one become available.

Which was committed to the Committee on State Government.

Mr. CRIDER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER read in place and presented to the Chair Senate Bill No. 1019, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

Which was committed to the Committee on Military Affairs.

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. ZIESENHEIM read in place and presented to the Chair Senate Bill No. 1020, entitled:

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787), entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale, for the nonpayment of taxes; and the reconveyance or private sale of such property," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof.

Which was committed to the Committee on County Government.

He also read in place and presented to the Chair Senate Bill No. 1021, entitled:

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, defining their powers and duties; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing

county commissioners to make appropriations for the use of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

Which was committed to the Committee on Agriculture.

Mr. WATKINS. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WATKINS read in place and presented to the Chair Senate Bill No. 1022, entitled:

An Act to amend section five hundred and eighteen of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation designating the subjects property and persons subject to and exempt from taxation for all local purposes, providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of these municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations, amending, revising and consolidating the law relating thereto, and repealing existing laws," by authorizing the assignment of tax refunds.

Which was committed to the Committee on Judiciary General.

Mr. TALLMAN. Mr. President, on behalf of Senator Barr I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. BARR and TALLMAN read in place and presented to the Chair Senate Bill No. 1023, entitled:

An Act to further amend Section 902 and to repeal Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibusses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," regulating vehicles and loads on vehicles transporting other vehicles and repealing existing provisions relating thereto.

Which was committed to the Committee on Highways.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 10:00 o'clock, p. m., E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS MEMBER OF DELAWARE RIVER JOINT COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edwin R. Cox, The Warwick, 17th and Locust Streets, Philadelphia, Philadelphia County, for appointment as a member of The Delaware River Joint Commission, for the term of five years, and until his successor shall have been appointed and qualified, vice Richard Weglein, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS ALDERMAN IN BLAIR COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

William C. Stevens, 212 25th Avenue, Altoona, Blair County, for appointment as Alderman in and for the Eleventh Ward of the City of Altoona, Blair County, until the first Monday in January, 1942, vice Harry A. Yeager, deceased.

APPOINTMENT AS ALDERMAN IN CAMBRIA COUNTY

John A. McCormick, 6 Brixner Alley, Johnstown, Cambria County, for appointment as Alderman in and for the Thirteenth Ward of the City of Johnstown, Cambria County, until the first Monday in January, 1942, vice James A. Walters, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS ASSOCIATE JUDGE IN FOREST COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Edwin Otto Burcher, Marienville, Forest County, for appointment as Associate Judge in and for the County of Forest, until the first Monday of January, 1942, vice August Stromquist, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN JEFFERSON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate W. C. Tibby, Pantall Hotel, Punxsutawney, Jefferson County, for appointment as Justice of the Peace in and for the Borough of Punxsutawney, Jefferson County, until the first Monday in January, 1942, vice Raymond C. Hotchkiss, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN MONTGOMERY COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George W. Huber, Spring Mount, Montgomery County, for appointment as Justice of the Peace in and for the Township of Lower Frederick, Montgomery County, until the first Monday in January, 1942, vice Arthur A. Bolton, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN LAWRENCE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Pauline V. Isaac, R. D. 7, Mahoningtown, Lawrence County, for appointment as Justice of the Peace in and for the Township of North Beaver, Lawrence County, until the first Monday in January, 1942, vice William Raney, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN LANCASTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Merrill L. Hassel Bart, Lancaster County for appointment as Justice of the Peace in and for the Township of Bart, Lancaster County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

REAPPOINTMENT AS MEMBER OF THE PENNSYLVANIA GAME COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 19, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Robert Lambertor, Franklin, Venango County, for reappointment as a member of the Pennsylvania Game Commis-

sion, until the third Tuesday of January, 1949, and until his successor shall have been appointed and qualified.

ARTHUR H. JAMES.

RULE 38 SUSPENDED

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EALY,

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EALY.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, v

YEAS—46

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Reed,	Wade,
Coleman,	Heyburn,	Ruth,	Walker,
Cox,	Homsher,	Scarlett,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Detrick,	Lephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER from the Committee on Finance re-reported as committed, Senate Bill No. 846, (House Bill No. 228), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax, conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties," as previously reenacted and amended by extending the provisions of the

act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel, subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales.

Mr. COLEMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN, from the Committee on Finance, re-reported as committed, Senate Bill No. 1009, (House Bill No. 233), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto, for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles, liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth Anno Domini, one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh, one thousand eight hundred and ninety-five commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the committee on Finance, re-reported as amended, Senate Bill No. 1011, (House Bill No. 663), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years, defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto, providing for the payment of interest on and the repayment of such loans and making an appropriation.

BILLS INTRODUCED

Mr. BARTLETT. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BARTLETT read in place and presented to the Chair Senate Bill No. 1024, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations of certain streets in cities of the second class, second class A, and third class as State highways,

and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvements without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by establishing an additional route in the city of Easton.

Which was committed to the Committee on Highways.

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 1025, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" as amended by deferring the operation of the act for a further period of time.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 1026, entitled:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provisions for the adjustment of various matters between the Commonwealth and counties cities institution districts boroughs towns townships wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

He also read in his place and presented to the Chair Senate Bill No. 1027, entitled:

An Act to further amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. sixty-three) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws," by deferring the operation of the act for a further period of time and making further provision for the care of mental patients in certain county, city or institution district institutions during such time.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. JAMES. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES read in place and presented to the Chair Senate Bill No. 1028, entitled:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig, dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of said sand, gravel or other soil without procuring such license and entering into such agreement.

Which was committed to the Committee on State Government.

Mr. WADE. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE read in place and presented to the Chair Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

Which was committed to the Committee on State Government.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1025, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended by deferring the operation of the act for a further period of time.

Mr. LETZLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1026, entitled:

An Act to amend the act, approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients, providing for the transfer of such institutions to the Commonwealth, providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases, providing for the retransfer of certain property to institution districts under certain circumstances, conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties, prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws," as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provisions for the adjustment of various matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act.

Mr. CROWE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1027, entitled:

An Act to further amend section three of the act approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals, counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws," by deferring the operation of the act for further period of time and making further provision for the care of mental patients in certain county city or institution district institutions during such time.

SENATE BILL No. 705 (HOUSE BILL No. 897) CALLED UP FROM THIRD READING POSTPONED CALENDAR

Mr. MILLER. Mr. President, I now call up Senate Bill No. 705, (House Bill No. 897), on third reading postponed, page 15 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 705, (House Bill No. 897), as follows:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expenses on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Appointments Etc in Police Forces in Boroughs Incorporated Towns and Townships of the First Class This act shall not apply to any borough incorporated town or township of the first class having a police force of less than three members Hereafter each and every appointment to and promotion in the police force in every borough incorporated town and township of the first class (hereinafter called a municipality) shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided

The provisions of this act and of any amendments or supplements thereto shall be in effect as to boroughs only while Sections 1125 1127 and 1128 as now contained in "The General Borough Act" are in force subject however to the method of appointment and removal hereinafter provided

No person shall hereafter be suspended removed or reduced in rank as a paid employe in any police force of any municipality except in accordance with the provisions of this act

Section 2 Civil Service Commission Created Appointments Vacancies There is hereby created in each borough incorporated town and townships of the first class where a police force of not less than three members is being maintained a civil service commission hereinafter referred to as the Commission Each commission shall consist of three commissioners who shall be qualified electors of the political subdivision for which appointed and shall be appointed initially to serve for the terms of two four and six years and as terms thereafter expire shall be appointed for terms of six years as follows

In the case of a borough the appointments shall be made by the borough council in the case of an incorporated town appointments shall be made by the town council and in the case of the townships of the first class the appointments shall be made by the township commissioners

The members of each commission first appointed under the provisions of this act shall be so appointed within thirty days after effective date of this act

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs Such vacancies shall be filled by the appointing power which made the original appointment

Each member of the commission created by this act before entering upon the discharge of the duties of his office shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity

Section 3 Officers Incompatible With Civil Service Commissioner Political Activities Prohibited No commissioner shall at the same time hold an elective or appointed office under the United States government the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth except that one member of the commission may be a member of the council of the borough or incorporated town or board of township commissioners as the case may be

Section 4 Organization of Commission Quorum The commission of each municipality first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman and one as the secretary of the commission Each commission shall thereafter meet and organize on the first Monday of each even-numbered year Each commissioner shall be notified in writing of each and every meeting Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks and Supplies Etc The municipality shall furnish to the commission on its requisition such clerical assistance as may be necessary for the work of the commission The municipality shall provide a suitable and convenient room for the use of the commission The commission shall order from the municipality the necessary stationery postage printing or supplies and the elected and appointed officials of every such municipality shall aid the commission in all proper ways in carrying out the provisions of this act

Section 6 Rules and Regulations Each commission shall have power to prescribe amend and enforce rules and regulations for carrying into effect the provisions of this act and shall be governed thereby Before any such rules and regulations are in force the same shall first be approved by the council of the borough or incorporated town or the township commissioners as the case may be When such rules and regulations have been so approved they shall not be annulled amended or added

to without the approval of the said council or commissioners All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the municipality

Section 7 Minutes and Records Each commission shall keep minutes of its proceedings and records of examinations and other official actions All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection

Section 8 Investigations The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the provisions of this act and rules and regulations adopted thereunder The acting chairman of the commission is hereby given power to administer oaths as oaths are administered by other public officers with the same force and effect and carrying the same penalties

Section 9 Subpoenas The commission shall have power to issue subpoenas over the signature of the chairman to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry authorized by this act The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the commission

All officers in public service and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the Commission he shall be guilty of a violation of this act and upon conviction thereof shall be subject to a fine not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed thirty days

If any person shall refuse or neglect to obey any subpoena issued by the commission it may apply by petition to the court of common pleas of the county for its subpoena requiring the attendance of such persons before the commission or the court there to testify and to produce any records and papers necessary and in default thereof shall be held in contempt of court and punished therefor

Section 10 Annual Report The commission shall make an annual report to the council or commissioners of the municipality as the case may be containing a brief summary of its work during the year which shall be available for public inspection five days after the filing thereof

Section 11 General Provisions Relating to Examinations Each commission shall make rules and regulations to be approved as provided in section 6 hereof providing for the examination of applicants for positions in the police force and for promotions therein which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades All examinations for positions or promotions in the police force of any municipality shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission

Public notice of the time and place of every examination together with the information as to the kind of position or place to be filled shall be given by publication once in a newspaper of general circulation in the municipality or in a newspaper circulating generally in the municipality at least two weeks prior to each examination and a copy of the notice shall be prominently posted in the office of the commission or other public place

The commission shall post in its office the eligible list

containing the names and grades of those who have passed the examination for position under this act Soldiers as defined by the act of June 27 1939 P. L. 1108 who have successfully passed the examination shall be given the additional credits provided for by said act

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation (a) his full name and residence or post office address (b) his citizenship place and date of birth (c) his condition of health and physical capacity for public service (d) his business or employment and his residence for the past five years and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined

Section 13 Rejection of Applicant Hearing The commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible anyone who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime involving moral turpitude or of infamous or notorious disgraceful conduct or who has been dismissed from public service for delinquency or misconduct in office or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the constitutions and laws of the United States and Pennsylvania

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person within ten (10) days appoint a time and place where he may appear personally and by counsel whereupon the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered The decision of the commission shall be final

Section 14 Manner of Filling Appointments Every position or employment except that of Chief of Police or equivalent official unless filled by promotion re-instatement or reduction shall be filled only in the following manner the appointing officer or body of the municipality shall notify the commission of any vacancy in the police force which is to be filled and shall request the certification of a list of eligibles The commission shall certify for each existing vacancy from the eligible list the names of three persons thereon who have received the highest average in the last preceding examination held within a period of one year next preceding the date of the request for such eligibles The appointing officer or body shall thereupon with sole reference to the merits and fitness of the candidates make an appointment from the three names certified unless he or they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 13 of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed

In the case of a vacancy in the office of Chief of Police or equivalent official the appointive power may nominate a person to the Commission It shall thereupon become the duty of the Commission to subject such person to a noncompetitive examination and if such person shall be certified by the Commission as qualified he may then be appointed to such position and thereafter shall be subject to all of the provisions of this act

Section 15 Age Applicants Residence No person shall be eligible to apply for examination unless he is more than twenty-one years of age at the date of application and has been a resident of the municipality for at least one year

preceding immediately his application unless no resident applicants are available

Section 16 Probationary Period All original appointments to any position in the police force shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for a cause specified in section 13 of this act If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the appointing officer or body the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his appointment shall cease otherwise his retention shall be equivalent to a permanent appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment the appointing officer or body may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy It shall thereupon become the duty of the Commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the Commission Provided however that nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for the suppression of riots tumults in times of war pestilence conflagration or public celebration

Section 18 Promotions Promotions shall be based on merits to be ascertained by examinations to be prescribed by the commission All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion

The appointing officer or body shall have power to determine in each instance whether an increase in salary shall constitute a promotion

Section 19 Physical Examination All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the civil service commission No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the discharge of the duties of the position desired

Section 20 Removals No person employed in any police department of any political subdivision shall be suspended removed or reduced in rank except for the following reasons (1) physical or mental disability affecting his ability to continue in service in which cases the persons shall receive an honorable discharge from service (2) neglect or violation of any official duty (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony (4) inefficiency neglect intemperance disobedience of orders or conduct unbecoming an officer (5) intoxication while on duty (6) engage or participate in the conducting of any political or election campaign otherwise than to exercise his own right of suffrage A person so employed shall not be removed for religious racial or political reasons A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employees of the police department then such political subdivision shall apply the following procedure (a) if there are any employees eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over (b) if the number of paid employees in the police force eligible to retirement is insufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirements or pension fund exist then the reduction shall be affected by furloughing the men or men including probationers last appointed to said police force

Such removal shall be accomplished by furloughing in numerical order commencing with the man last appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 21 Hearings on Dismissals and Reduction. If the person sought to be suspended removed or reduced in rank shall demand a hearing by the commission the demand shall be made to the commission. Such person may make written answers to any charges filed against him. The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing and written answers thereto filed within five days and may be continued by the commission for cause or at the request of the accused. At any such hearing the person against whom the charges are made may be present in person and by counsel. The appointing officer or body may suspend any such person without pay pending the determination of the charges against him but in the event the commission fails to uphold the charges then the person sought to be suspended removed or demoted shall be reinstated with full pay for the period during which he was suspended and no charges shall be officially recorded against his record.

A written record of all testimony taken at such hearings shall be filed with and preserved by the commission which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

In the event the commission shall sustain the charges and order the suspension removal or reduction in rank the person suspended removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county and the case there determined as the court deems proper. No order of suspension made by the commission shall be for a longer period than one year. Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition. Upon such appeal being taken and docketed the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and such additional proof or testimony as the person sought to be suspended removed or reduced in rank may desire to offer in evidence shall be permitted to be introduced. The decision of the court affirming or reversing the decision of the commission shall be final and the employe shall be suspended discharged demoted or reinstated in accordance with the order of the court.

The appointing officer or body and the person sought to be suspended removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas.

Section 22 Present Employes Exempted. All appointments in the police force of municipalities including the Chief of Police or equivalent official upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion. Provided however that this section shall not be construed to apply to persons employed temporarily in emergency cases.

Section 23 Discrimination on Account of Political or Religious Affiliations. No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any application nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced.

No discrimination shall be exercised threatened or promised by any person against or in favor of any applicant or employe because of political or religious opinions or affiliations or race and no offer or promise of reward favor or benefit directly or indirectly and shall be made to or received by any person for any act done or duty omitted or to be done under this act.

Section 24 Penalty. Any councilman or township commissioner who by his vote causes to be appointed any person to the police force of any municipality contrary to the provisions of this act or any councilman township commissioner or member of the commission who wilfully refuses to comply with or conform to the provisions of this

act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or suffer imprisonment not exceeding three months or both.

Section 25 Salaries of Civil Service Commission. The civil service commissioners of municipalities shall receive no compensation.

Section 26 Repeal and Construction. Except as provided in section 1 all acts and parts of acts inconsistent with this act are hereby repealed.

It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction suspension or removal of members of the police force in every borough incorporated town and township of the first class within this Commonwealth which maintains a police force.

Section 27 Police Force Defined. Police force as used in this act shall mean a police force organized and operating as prescribed by law the members of which devote their normal working hours to police duty or duty in connection with the bureau agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the municipality.

Section 28 Effective Date. This act shall become effective on the first day of July one thousand nine hundred and forty-one.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	DiSilvestro,	McCreesh,	Taylor,
Bartlett,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Reed,	Wade,
Chapman,	Haluska,	Ruth,	Walker,
Coleman,	Heyburn,	Scarlett,	Watkins,
Cox,	Jaspan,	Snowden,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Wilson, T. B.,
Crowe,	Letzler,	Stiefel,	Woodward,
Deltrick,	Mallery,	Tallman,	Ziesenheim,

NAYS—5

Becker,	Frey,	Homsher,	Shapiro,
Eay,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 495 (HOUSE BILL No. 524)

CALLED UP

Mr. CROWE. Mr. President, I now call up Senate Bill No. 945, (House Bill No. 524), on concurrence in House amendments recalled from the Governor, postponed, on page 2 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 495, (House Bill No. 524), entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McCreesh,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Frey,	Miller,	Tyler,
Cavalcante,	Geltz,	Reed,	Wade,
Chapman,	Haluska,	Ruth,	Walker,
Coleman,	Heyburn,	Scarlett,	Watkins,
Cox,	Homsher,	Shapiro,	Wilson, H. I.,
Crider,	Jaspan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Woodward,
Deitrick,	Letzler,	Stiefel,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION THAT SENATE NON-CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 414, (HOUSE BILL No. 616), RECALLED FROM THE GOVERNOR

Mr. GELTZ. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 414, (House Bill No. 616), entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427) entitled "An Act to Consolidate, Revise, and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings," providing for the fixing of bail and the admission to bail by magistrates, committing magistrates, justices of the peace or aldermen and coroners in certain cases involving involuntary manslaughter

be recalled from the Governor.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STIEFEL. Mr. President, in the absence of the sponsor, may I ask to have action on Senate Bill No. 414, deferred until tomorrow.

Mr. GELTZ. Mr. President, I have no objection, but I can not see the advantage, because it will go into a conference committee, as it is, if that is satisfactory.

Mr. STIEFEL. The reason I ask this, Mr. President, is that I was requested by a group of citizens from my district to ask for deferment of action on this bill until tomorrow, in order that they may come here in the morning and express their views on these amendments.

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I request that Senate Bill No. 414, (House Bill No. 616), go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

It was agreed to.

MOTION THAT SENATE CONCUR IN HOUSE AMENDMENTS TO SENATE BILL No. 542, (HOUSE BILL No. 666)

Mr. WALKER. Mr. President, I move that the Senate do now concur in the amendments made by the House to Senate Bill No. 542, (House Bill No. 666).

Mr. COX. Mr. President, I second the motion.

The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 542, (House Bill No. 666), entitled:

An Act to further amend section one of the act approved the twenty-sixth day of August, A. D., one thousand nine hundred thirty-two (P. L. 101), entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments," by extending its provisions to counties of the second class.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McCreesh,	Taylor,
Becker,	Farrell,	McGinnis,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Cavalcante,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Scarlett,	Wilson, H. I.,
Crider,	James,	Snowden,	Wilson, T. B.,
Crowe,	Jaspan,	Stevenson,	Woodward,
Deitrick,	Kephart,	Stiefel,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—1

Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 46, on third reading, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 185, on third reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 262, as follows:

A Supplement to the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 335) entitled "An act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission" by extending the term of such commission until the next regular session of the General Assembly and making an appropriation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The existence of the temporary State commission created under the provisions of the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 335) entitled "An act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission" and the powers and duties granted such commission are hereby extended until the next regular session of the General Assembly

Section 2 The sum of fifteen thousand dollars (\$15,000) or so much thereof as may be necessary is hereby appropriated from any money in the State Treasury not otherwise appropriated payable on requisition of the chairman of such commission on the warrant and audit of the Auditor General

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President, Senate Bill 262, is a supplement to the act passed at the Session of 1939. That act provides for the creation of a temporary commission to examine, report upon and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the state, and making an appropriation of the expenses of such a commission, and it carried an appropriation of ten thousand dollars. The bill provided for fifteen thousand dollars, but the Governor cut it down to the sum of ten thousand dollars.

As the act was passed in the 1939 Session, it was passed as a temporary measure. I understand that today a report was filed by that commission.

This bill on the Calendar tonight provides for an extension and also for an additional appropriation of fifteen thousand dollars. The Governor has said many times that the financial cupboard is bare, in other words, it is hard to get money to carry on the ordinary functions of government. If this legislature is going to rebel against the wishes of the Governor and pass bills carrying large appropriations for all kinds of measures such as this, then I am afraid that bankruptcy is not far away. If we have lots of money to hand out in cases of this nature, we can employ it to far better advantage even for the colored people. I would suggest that if we have money to expend on the colored people of this state, that we follow the suggestion of the fine president of the colored university known as Lincoln University, who requests in his letter of April 4, 1941, to the Senate, that if we have additional money, we increase the appropriation to his fine colored college, and in connection with that request he sets forth in a short statement, which became an editorial in the Philadelphia Evening Ledger of March 18, 1941, the following:

"A WORTHY INSTITUTION

"Although the watchword of both Governor James and the Legislature is economy in the spending of taxpayers' money, there are times when making more than the customary allotment to a public institution is greater economy than holding down the appropriation. A case in point is Lincoln University, which has been the recipient of \$50,000 in past bienniums. This session it is asking for \$100,000 for the two years beginning June 1, next.

"Perhaps if the legislators understood more about Lincoln University they would be inclined to grant the request and the Governor to approve it. Few realize that this oldest institution in the United States for the higher education of Negro young men is the only one of its kind north of the Mason and Dixon line and east of the Ohio River. It stands alone to serve more than 1,250,000 negroes in the whole populous Northeastern United States.

"Intended for the accommodation of 200 students, it is inadequate for the 390 now attending the university. And it is forced to turn away 100 Pennsylvania Negro men every year. It is to the advantage of both the white and black races for these youths to receive proper education so they may promote the welfare and advancement of their race. The State ought to be willing to provide the modest sum asked for Lincoln University, which has educational standards of the highest. They should be preserved and encouraged."

In a report submitted to the Senators today, which I hurriedly glanced over, I find that one of the outstanding subjects for consideration is education. Now, if education is what this committee is generally concerned with, then why not give the money, if we have it, to Lincoln University, where education we know will be promoted; but to hand out money for investigation purposes, my experience as a Senator has led me to believe that in most cases that money is just thrown away, and I believe this bill should be voted down on that account. I do not believe it will serve the purpose it is intended to serve. Ten thousand dollars has already been spent in this effort and now fifteen thousand dollars more is requested. I believe we can use that money to far better advantage, and if we have money to spend to help the negro people, I say

give it to Lincoln University, as its president has requested.

Mr. KEPHART. Mr. President, education is one of the fields investigated by this commission, but it is not necessarily the most important field. I feel the most important field is that of employment, and the employment of negroes. The commission has made an investigation of this field and that has not been completed, and it seems to me it is false economy to stop an investigation of this sort, which might be very helpful to the colored population in urban centers, right in the middle of it; it is just like throwing your ten thousand dollars away; therefore, the investigation should be completed so that maybe a solution will be presented to the problem of negro unemployment.

Mr. President, in making these remarks, I do not mean I am against increasing the appropriation to Lincoln University, which I think should be increased, but in addition to education, there is the field of negro housing which needs to be investigated, and this Commission has only partially completed its investigation of that; also there is the question of negro crime and delinquency.

As I said before, to stop halfway is simply throwing away what has already been done. This commission is under the guidance of Lawrence Foster, a professor of Lincoln University, and it is attempting to do a good job in this direction, and it should be perpetuated for at least two more years, so that it may complete its preliminary work.

Mr. CAVALCANTE. Mr. President, there is also another phase of this question just discussed that I think we ought to give some thought to.

I wonder what this legislature can do after this money is spent and the commission has made this investigation. Suppose they make a report stating that the conditions of the urban negroes of this state are deplorable. What can we do about it? We might go out in this Commonwealth and investigate the conditions of the Poles of the state and find that probably in our urban districts they might be living under the same conditions. We might go out to investigate the conditions of the Italians, the English, the French, the Irish, the Germans and all of them.

Now, Mr. President, I can not see any useful purpose that an investigation of this kind can result in. I agree with my colleague from Washington County that what we need to spend this money for is for education, and if we make education available to these colored people, give them the same opportunities that are given to the white people, they will improve their own conditions, but truthfully, if you weigh this problem, what can we do after we have spent this money and do get a report from this commission? Suppose they come in and tell us conditions are bad that these negroes live in. We can go throughout this state and find a lot of white people who are living under very deplorable conditions, and what can we do about it and what do we intend to do?

I do not like the idea of segregation here; it is not consistent with our philosophy of democracy, and if you are going to start to pass legislation to investigate conditions under which the negroes live and then the others, just where are we going to get to? The money is merely thrown away, because we can do nothing about the report of the commission after we get it. We can not pass any legislation applying specifically to the colored popula-

tion and leave the rest of the population out. This appears to be special legislation and I think, as somebody has suggested, political. I have sympathy with my colleague from Philadelphia, Mr. Kephart, if he has a large negro population in his district and if this bill may increase his political stock to that extent, but I say this is money badly spent and should not be spent for this purpose.

Mr. GELTZ. Mr. President, I have been swayed by the oratory of my colleagues, so, Mr. President, I suggest that this bill go over in order.

Mr. SHAPIRO. Mr. President, I object to this bill going over in order; it ought to be voted on and disposed of.

If they want to refer this bill back to the committee for further study, I am in favor of that, but simply putting it over in order so we may have the same argument tomorrow does not appeal to me as a helpful proposition.

Mr. STIEFEL. Mr. President, I have great respect for the opinions of the gentleman from Washington, Mr. Reed; I believe they are deeply rooted in the soil and they should always be taken with great respect, but when it comes to a question which pertains to city dwellers, especially in districts represented by Senators wherein there is a heavy colored population, I believe that a study of this kind is very urgent.

There was a philosopher who said once: "Conceptions without perception are blind, and perceptions without conceptions are empty."

Mr. President, how can the legislature form opinions as to ameliorative actions without first undertaking a study.

Now, Mr. President, comparing the expenses of the state, several thousands of dollars spent in that study, even if they do not result in action, will eventually inure to the benefit of the Commonwealth. Whether the legislature is going to take action upon a report later or not, a study of that kind will be helpful in those districts where the colored population offers certain problems, and for that reason, Mr. President, I feel as does the gentleman from Philadelphia, Mr. Kephart, representing a district where in of all its component parts, fifty-two per cent of its population is colored, a study of this kind will be of great help not only to the city of Philadelphia but to the entire Commonwealth of Pennsylvania.

Mr. SHAPIRO. Mr. President, I have some colored voters in my district, where I live—and the subject of where I live has been gone into so thoroughly heretofore I do not think it requires much discussion—in both places where I am supposed to live I have a colored population, but I am convinced this is not the way to handle this problem.

In the first place, here is a committee which has had ten thousand dollars, and it has held only three meetings and has given no report as to what happened to the ten thousand dollars. I am quite sure this measure would be short lived if it bore the name of a Democratic sponsor because no Democrat on this side of the Assembly could get fifteen thousand dollars after having had ten thousand dollars, without making any report, and I do not believe in kidding the colored people about this.

There are a lot of bills in this Senate tonight, in committee, that would relieve some of the ills from which colored people are suffering, that will never see the light of day. There is no sense in paying fifteen thousand dollars to hide our delinquency in that respect.

In the city of Philadelphia living conditions of the

colored people could be relieved without the necessity of investing this fifteen thousand dollars, by having a little more light fall on our councilmanic members to get them to see that a housing project, even though sponsored by a federal program, is a good thing and could bring about some relief in the slum districts for these colored people.

Now, Mr. President, I have listened tonight in committee about the dire consequences that are going to happen to the Commonwealth of Pennsylvania if we take over the mental institutions or if we decrease the taxes, because the government needs every dollar, and now we are going to vote fifteen thousand dollars to take care of some local situation, for a few individuals who happen to have colored people living in their neighborhood, and if that is consistency I do not know what the word "consistency" means.

There is no reason for an additional fifteen thousand dollars, Mr. President. There is no report as to why or for what purpose the original ten thousand dollars was spent. Committees have worked for longer periods than has this one, held more meetings and brought about some results, certainly more than we see here, and have not spent that much money, and it seems to me a sin and a crime, just because somebody lives in a district where there are a lot of colored people, to give them an excuse to put off the doing of something for them for another two years. This commission has been in existence for two years and today is the first time they have filed a report and contemporaneously with the filing of that report, and even before, we have this bill asking for another fifteen thousand dollars, to file another report. I can stand here on this Senate floor and in twenty-five minutes tell you more than that report tells you, and get just as far, which is nowhere, because nothing has been done and nothing will be done, by this committee.

Mr. President, look at the bills we have here in the Senate; pass one or two of those and add a few thousand dollars more to grants to colleges to give these people an opportunity to educate themselves and break down some of the discrimination against them, give them a little more freedom of action than they have, give them a chance to lift up their heads and you will not have to make any investigation; they will prosper, they will get better and they will become better citizens. I am opposed to the bill for those reasons.

Mr. BARR. Mr. President, I agree in great part with what has been said by the gentleman from Washington, Mr. Reed. If we can get more money for Lincoln University I will be more than happy and will vote for it, but I think this ten thousand dollars has been probably the best ten thousand dollars spent in the last biennium. I happen to represent a vast majority of the colored people in the City of Pittsburgh. This ten thousand dollars has made the city fathers of Pittsburgh conscious of the needs of the colored race in our county.

In the fifth ward of the City of Pittsburgh, which houses approximately fourteen or fifteen thousand colored residents, we have now, mainly I say on account of this commission which was appointed here two years ago, the Bedford Dwellings and the Terrace Villages, one and two, which have done more for the welfare of the colored people of Allegheny County than any other thing and, like my predecessor, Senator Kilgallen, I will be more than happy to vote for this appropriation.

Mr. WOODWARD. Well, Mr. President, I guess I

misunderstood. I understood my colleague from Philadelphia, Senator Shapiro, to reflect on the committee for not having issued a report. It seems to me the report came out yesterday and I was very grateful because it made a good bedside story because I see in the report that in Bryn Mawr College there are no negroes and I shall vote for the bill, Mr. President, because I am looking forward to a full report so that I may have another evening of reading.

Mr. EDMONDS. Mr. President, since the last session of the General Assembly I was appointed a member of this commission by the President Pro Tempore, Mr. Gelder. I have attended most of the meetings of the commission down to the time when the Legislature got into the general session, and I want to say for my colleagues that they have taken hold of their work earnestly, they have taken hold of their work in all sincerity and I think with scholarly ability.

My own belief is it would be a mistake to give up this work just in the middle and while I do not just see at the present moment where the money will come from nevertheless this seems to me one of the things to a certain extent we must take on faith, that when the time comes the Governor will find sufficient funds to allow the work to go on. I would count myself remiss in my duty if I did not say I think this commission has done a good job so far.

Mr. MALLERY. Mr. President, when my colleagues to the left, the gentleman from Washington, Senator Reed, and the gentleman from Fayette, Senator Cavalcante, talk about economy, I always listen with interest. In my senatorial district, comprising Blair and Huntingdon Counties, we do not have a great many colored people but we do have some splendid colored people.

I feel that my duty as a Senator should concern me more about the entire state. I realize that in the large cities of Philadelphia and Allegheny Counties there are a great many colored people, and I feel that I should be concerned about them. I have at least learned from my colleague from Allegheny, Senator Barr, what this committee has already done at bestirring the city fathers in Pittsburgh to do something for the colored people there and I believe, while the state may be in need of funds, that the sum of fifteen thousand dollars is not too large a sum if we can do some good for the great numbers of colored people throughout the state and therefore, while I am interested in economy, I think that I will do well in supporting this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	DiSilvestro,	Kephart,	Taylor,
Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Tyler,
Carr,	Farrell,	McCreesh,	Wade,
Chapman,	Frey,	McQuiddy,	Walker,
Coleman,	Geltz,	Miller,	Watkins,
Cox,	Haluska,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Stiefel,	Woodward,
Deitrick,	Jaspan,	Tallman,	Ziesenheim,

NAYS—6

Cavalcante, Reed, Snowden, Stevenson,
Heyburn, Shapiro,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382) on third reading, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 443, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments: Page 3, line 17, remove the light-face brackets before and after the letter "b" and insert in lieu thereof parenthesis, "(b)".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 443, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS, from the Committee on Finance, reported as amended, Senate Bill No. 1010, (House Bill No. 234), entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on State Government, reported as committed, Senate Bill No. 1016, entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

PRELIMINARY REPORT, CONDITIONS OF URBAN COLORED POPULATION

The PRESIDENT. The Chair lays before the Senate preliminary report of the Pennsylvania State Temporary Commission on the Conditions of the Urban Colored Population, to the General Assembly of the Commonwealth of Pennsylvania, which report is dated May, 1941, and which will be noted in the Journal. Copies of the report have been placed on the desks of the Senators.

REPORT FROM COMMITTEE

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Finance, reported as amended, Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds probators and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation," as previously reenacted and amended by continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and con-

sideration of Senate Bill No. 454, (House Bill No. 107), entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth, providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation," as amended, by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SNOWDEN. Mr. President, I ask unanimous consent to offer the following amendment: Amend page 4, line 5, by removing the dark-face brackets before and after the word "shall" and insert in lieu thereof light-face brackets before and after the word "shall".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

Mr. SNOWDEN. Mr. President, I request the bill now go over in its order.

The PRESIDENT. Is there objection?

Mr. WALKER. Mr. President, I object to this bill going over in its order at this time. It has been on the Calendar for some time and I would like to get it disposed of one way or the other. As I understand the amendment presented by the gentleman from Lycoming, Mr. Snowden, on page four of the bill, lines four and five, the dark face brackets around the word "shall" are changed to light face brackets and the word "shall" remains out of the bill and the word "may" still remains in it. I have no objection to that amendment.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, at the request of Mr. Cavalcante, I ask unanimous consent that Senate Bill No. 491, on third reading, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS RECOMMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 500, (House Bill No. 708), on third reading, entitled:

An Act enabling city county poor institution district ward school borough and township tax collectors their

executors and administrators if they are deceased or either surety or sureties to collect taxes for the payment of which they have become personally liable without having collected the same by the expiration of the authority of their respective warrants or by the expiration of their terms of office extending the time for the collection of the same for a period of two years from the passage of this act and validating collections and proceedings for collections made or commenced without previous authority

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 502, (House Bill No. 895), on third reading, entitled:

An Act to authorize counties cities boroughs incorporated towns townships school districts poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I would like to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, I understand this bill had already been re-referred to the same committee for the purpose of investigating the question of whether or not there was a saving clause in this proposed act to protect intervening rights between the time of the filing of the original lien and the effective date of this act.

Mr. GELTZ. I believe that is correct, Mr. President.

Mr. SHAPIRO. I understand, Mr. President, that after that this bill was reported out by the same committee?

Mr. GELTZ. That too I believe is correct, Mr. President.

Mr. SHAPIRO. Will the gentleman from Allegheny state the purpose of recommitting the bill again?

Mr. GELTZ. I will, Mr. President. There are three or four bills on the calendar now which appear to be similar in some respects, to the bill which I have just requested be recommitted and one or two following later on the Calendar, and it is our purpose to have all of these bills recommitted so that the committee may make a study of the group and make any adjustments necessary so there shall be no conflict or overlapping.

Mr. SHAPIRO. Is it not true, Mr. President, that all of these bills were also re-referred to the same committee for the very purpose the gentleman from Allegheny is now stating as his purpose for having them recommitted?

Mr. GELTZ. I am not certain about that, Mr. President; they may have been rereferred at different times and now we would like to rerefer them all at one time and do the job properly.

Mr. SHAPIRO. I understand that you have, as I have

said frequently, the twenty-six votes necessary to do so, but I think we are coming to the point some time where we all agree this Session will end, I hope. Every one of these bills on the Calendar today were at some time by the request of the gentleman from Montgomery rereferred to committee, and I arose and asked the gentleman the purpose of rereferring them to committee and there were two purposes; first, to see whether or not a saving clause was present in each of the bills to protect intervening rights and, secondly, to see whether or not the bills conflicted with each other or covered the same subject matter.

Now, Mr. President, I see these bills are out again, re-reported by the same committee. It may very well be that what the gentleman from Allegheny says is correct, that they have to be gone over again, but I suggest that it is certainly not any great credit to the committee which is passing on these bills to have them go into that committee for the purpose of coming out again and then being sent back again for the same purpose.

Mr. EDMONDS. Mr. President, may I say to our colleague from Philadelphia the two other bills to which the gentleman from Allegheny has referred are on page nine of today's Calendar, Senate Bill No. 649, and on page seventeen, Senate Bill No. 501, and if he looks at Senate Bill No. 501 he will find in there a very happy phrase has been inserted which safeguards the rights of prior liens, and one of the objects in referring the bills back to committee is to see whether or not that phrase might not be inserted in all of these bills.

Mr. SHAPIRO. I repeat, Mr. President, I understand the purpose of the matter at present may be a very laudable one, but these bills were in that committee for that very same purpose previously.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL RECOMMENDED

Mr. HOMSHER. Mr. President, I move that Senate Bill No. 522, on third reading, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board; and imposing penalties

be recommitted to the Committee on Education, for the purpose of further study.

Mr. CROWE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Lancaster, Mr. Homsher.

The President. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. Yes, Mr. President.

Mr. HALUSKA. Will the gentleman from Lancaster tell me just why he wants to send this bill back to committee?

Mr. HOMSHER. I will, Mr. President. When this bill was first introduced it had as a companion bill Senate Bill No. 523, for setting up a board of examiners for the beauty culture business and this bill, No. 522, was a companion bill regulating the operations of the board.

The proponents of the bill, which is an organization of six hundred members, appeared before our committee and were heard. They were the proponents of the bill. The opponents have had no opportunity to be heard.

At this meeting before the committee the proponents of the bill agreed to have the bill amended so that there would be no board of examiners appointed, but the licensure board now existent would continue. That necessitated a great many amendments being put in the bill and I suggested the bill should be rewritten, but it was agreed that this bill should be reported out of committee, with amendments, which was done and it was subsequently amended. It was brought out of committee for the purpose of amending it so that it could be studied and reported back to committee for further study.

Objections to this bill have arisen and for that reason I request that the bill be referred back to committee so that the opponents of the bill may be given a chance to be heard.

Mr. HALUSKA. Mr. President, did I understand the gentleman from Lancaster to say the proponents of this bill had been heard and not the opponents.

Mr. HOMSHER. The proponents only were heard.

Mr. HALUSKA. Isn't it a fact that at the public hearing, Mr. President, both the proponents and the opponents were heard.

Mr. HOMSHER. No, Mr. President, that is not true, because there was only one lady who appeared before the committee who objected to the bill; the sole purpose of the hearing was to hear the proponents of the bill.

Mr. HALUSKA. But is it not a fact that the committee also heard all the opponents?

Mr. HOMSHER. No, Mr. President, we did not hear all of the opponents to the bill.

Mr. HALUSKA. It is a fact, Mr. President, the lady stated she was speaking for an organization?

Mr. HOMSHER. I did not understand that to be the case.

Mr. HALUSKA. Is it a fact, Mr. President, the lady opposed to the bill, from Philadelphia, stated at the committee meeting she was speaking for the organization she represented?

Mr. HOMSHER. She represented a Philadelphia organization, the Pennsylvania Hairdressers Association, but there are other objectors to the bill.

Mr. HALUSKA. Mr. President, does the gentleman from Lancaster have any amendments in mind?

Mr. HOMSHER. I do not have any amendments in mind, Mr. President.

Mr. HALUSKA. What is wrong with keeping the bill on the Calendar and then tomorrow, if the gentleman from Lancaster desires to offer amendments, he may do so, but keep the bill on the Calendar.

Mr. HOMSHER. I do not have any amendments to offer, Mr. President. My mind is open on the matter and the future of the bill depends largely on the action of the committee after hearing the opponents to the bill.

Mr. HALUSKA. Mr. President, this bill has been on the Calendar now for two weeks. Last Wednesday I had the bill go over in its order. In fact, I had the vote reconsidered by which it passed second reading, and then Wednesday afternoon it went over in order. I might say, Mr. President, we have in the State of Pennsylvania some thirty-five thousand hairdressers combined with beauty parlor workers, and up until the present time I have heard of only one person who has offered any objection, and I dare say ninety-nine percent of those affected by this bill are in favor of this measure.

Mr. President, I would like to have the Senator from Lancaster show me more than one per cent of those interested that are opposed to this bill.

However, it is true that since last Wednesday there came into this Chamber a few high powered lobbyists, men that are interested in selling equipment to these young kids, I might say, who come out of school, and they come from Allegheny County, and they have made their brags in the open that they will defeat this bill.

I say if we are guided by one man, one man in this Commonwealth, who openly makes his brags he can defeat a certain bill, God bless this Commonwealth.

This bill has been on the Calendar, and it has been amended. I want to be fair about it and if my good friend from Lancaster has any amendments to offer I ask him to permit the bill to go over in its order and let him offer amendments tomorrow or the next day, but I see no good reason, no good motive in mind to have this bill go back to committee for further study. It has been on the Calendar since last week, and I am wondering whether any member outside of the chairman of this committee has devoted much time to this bill. I am very willing to discuss, to debate any phase of the bill and if I can not answer your questions in an intelligent way, I will be only too happy to have the bill go back to committee for further study, but I think the bill should be either defeated or passed tonight.

The opponents of this bill have had the same opportunity as the proponents have had. This bill was introduced last month, almost two months ago, and if there was any opposition to it up to this time we would have heard of it, but the only opposition I know of comes from one source, and that is from a great supply house in Pittsburgh.

I think it is unfair to thirty-five thousand workers who have invested their life savings in this type of work and who have come to us and asked this legislature to strengthen our laws to give them a chance to make a livelihood.

I can not discuss the bill, possibly, because the gentleman has made a motion to recommit it, but I would like to have the opportunity of being interrogated by anyone on this bill, and once I am interrogated I feel satisfied my colleagues on both sides will vote favorably for this bill.

Therefore, Mr. President, I object to this bill going back to committee for further study.

Mr. SHAPIRO. I also object to the bill going back to committee, Mr. President, because since I have been in this Senate during the past seven years, bills affecting opticians, beauticians and morticians have been going in and coming out of committees time off and time on, and when these bills appeared on the Calendar they would stay on the Calendar for a couple of days and then go

back to committee and then come out of committee. There seems to be a peculiar way in which these particular special bills are being treated and I suggest if this bill is to be acted on, it should be acted on, either passed or defeated, and that this business of sending these special bills back and forth from committee had better stop because some day the whole truth may come out about them.

Mr. HOMSHER. I might say, Mr. President, there was an understanding in the committee that when this bill was reported out, it was to be reported out for the purpose of having amendments inserted and then it would be re-referred to the committee because there were a great many changes necessitated.

Mr. THOMAS B. WILSON. Mr. President, I think if the gentleman from Philadelphia, Mr. Shapiro, has any dark and mysterious secret about this bill he ought to tell the Senators about it. I do not think this bill means anything very much to most of the Senators but if there is anything in his veiled insinuations that there is something nefarious back of this, let us get it out in the light; if there is any dark and mysterious force back of this bill let it out; if he knows anything about it let us get it out on the floor.

Mr. REED. Mr. President, the gentleman from Cambria, Mr. Haluska, has asked any member to interrogate him that cares to do so. I do not care to interrogate the gentleman, but I suggest that if he wants to know how to get a bill passed in this mad age in expenditure of public money, if he would attach an appropriation paragraph to the bill of about fifteen thousand dollars, it would go right through, under this administration.

And the question recurring,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Lancaster.

The PRESIDENT. Will the gentleman from Lancaster permit himself to be interrogated?

Mr. HOMSHER. Yes, Mr. President.

Mr. BARR. Mr. President, I ask the gentleman from Lancaster whether he knows Mr. Jerome Edlis of Allegheny County?

Mr. HOMSHER. I do not, Mr. President.

Mr. BARR. I would suggest to the gentleman from Lancaster that he invite him down, if he is looking for opponents to the bill.

Mr. HOMSHER. I want to say right here, Mr. President, I have received no objections from anybody who manufactures merchandise or equipment to sell to beauty shop owners.

The yeas and nays were required by Mr. WALKER, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Scarlett,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	James,	Taylor,	Wilson, T. B.,
Deitrick,	Kephart,	Thomas,	Ziesenheim,
Ealy,	Letzler,		

NAYS—15

Barr,	DiSilvestro,	McCreesh,	Shapiro,
Cavalcante,	Frey,	McQuiddy,	Snowden,
Coleman,	Haluska,	Reed,	Stiefel,
Cox,	Jaspan,	Ruth,	

So the question was determined in the affirmative.

BILLS OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on third reading, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and person subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 559, on third reading, entitled:

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 599, entitled:

An Act to amend section three of the act, approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison," by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. COX. Mr. President, I ask unanimous consent to offer the following amendments: Amend, Section 3, page 2, line 23, by striking out after the word "controller" and before the word "if" the following: "when directed by the board"; amend Section 3, page 2, line 23, by striking out after the word "he" the word "approved" and inserting in lieu thereof the following: "approves".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government, providing for the settlement, assessment, collection and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission and officer of the State government, every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay, assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 618, as follows:

An Act to further amend section two of the act approved the sixteenth day of June one thousand nine hundred thirty-three (P. L. 252 1933-34) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by permitting clubs to waive or reduce dues payable by members in military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the sixteenth day of June one thousand nine hundred thirty-three (P. L. 252 1933-34) entitled "as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1827) is hereby further amended to read as follows

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverages" means any beer lager beer ale porter or similar fermented malt or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages except to importing distributors and distributors in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(e) The term "importing distributor" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the resale of malt or brewed beverages in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces

(f) The term "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(g) The term "original containers" means and includes bottles casks kegs and other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exer-

cised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe but any such club may waive or reduce in amount or pay from its club funds the dues of any person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(m) The term "manufacture" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests and a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or rooms

(o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages for a consideration

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Edmonds,	Mallery,	Tallman,
Bartlett,	Farrell,	McCreesh,	Taylor,
Becker,	Frey,	McQuiddy,	Thomas,
Cavaicante,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Deltrick,	Jaspan,	Snowden,	Wilson, T. B.,

DiSilvestro, Kephart, Stevenson, Ziesenheim,
Ealy, Letzler, Stiefel,

NAYS—2

Carr. Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 619, as follows:

An Act to further amend section two of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and districts attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by permitting clubs to waive or reduce dues payable by members in military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and districts attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and op-

eration for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board shall from time to time prescribe but any such club may waive or reduce in amount or pay from its club funds the dues of any person who was a member at the time he was inducted into the military service of the United States or was enrolled in the armed forces of the United States pursuant to any selective service act during the time of the member's actual service or enrollment

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer at the place of manufacture with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol and malt or brewed beverages

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor alcohol and malt or brewed beverages in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or mem-

bers thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "sell" shall include any transfer of liquor alcohol or malt or brewed beverages for a consideration

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Walker,
Crider,	Homsher,	Scarlett,	Watkins,
Crowe,	James,	Shapiro,	Wilson, H. I.,
Detrick,	Jaspan,	Snowden,	Wilson, T. B.,
DiSilvestro,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I voted "aye" on this bill, but I should like to call attention to the sponsor of this bill that they amended in committee that the title does not conform to the amendment. The bill originally provided for the reduction or remission of the dues and they now provide for payment of the dues by the club, which is not indicated in the title.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 552) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of

licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Sec. 1, page 4, line 15, by striking out after the word "shall" the following: "at all"; Amend Sec. 1, page 4, line 18, by striking out the word "times" at the beginning of the line; Amend Sec. 1, page 4, line 18, by inserting after the word "certificate" the following: "when and during such time as such dog is without the kennel"; Amend Sec. 1, page 4, line 19, by striking out after the word "another" the following: "within the kennel"

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, there seems to be some question as to which line the amendments applies.

Mr. CROWE. Mr. President, I withdraw my amendments. The amendments were withdrawn.

BILL OVER IN ORDER

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 628, (House Bill No. 762), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 649, (House Bill No. 971), on third reading, entitled:

An Act to further amend sections fifteen and fifteen and three-tenths and to repeal sections fifteen and one-tenth and fifteen and two-tenths of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six month before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens.

be recommitted to the Committee on Municipal Government for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

It was agreed to.

Mr. COX. Mr. President, the gentleman from Allegheny has not indicated his reasons for wishing that this bill be recommitted; I certainly hope it is not for the purpose of pickling. This bill to my mind is of paramount importance because of the fact that prior to 1939, when municipal liens could be revived at the end of a five year period under the 1939 amendments, once taxes on municipal liens were filed they became valid liens for a period of five years and after that time they expired and they were never collected.

If the law would remain as it is today it would mean every taxing authority in this Commonwealth within a period of five years would have to sell all the real estate on which there were liens in order to protect itself from surcharge. It is a good act and certainly deserving of passage in this Senate this evening.

I object to the bill being committed, Mr. President.

The PRESIDENT. The bill was recommitted before objection was made.

Mr. COX. No, Mr. President.

The PRESIDENT. Therefore the proper procedure would be for the gentleman from Allegheny to move to reconsider the action.

MOTION TO RECONSIDER RECOMMITTAL OF SENATE BILL No. 649

Mr. COX. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 649 was re-committed.

Mr. COLEMAN. Mr. President, I second the motion.

The CHAIR. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I move that the vote by which this bill was recommitted to the Committee on Municipal Government be reconsidered. I voted "aye," Mr. President.

Mr. JASPAN. I second the motion, Mr. President.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. My point of order, Mr. President, is that the motion of the gentleman from Philadelphia is out of order. There is already a motion on the floor made by the gentleman from Allegheny, Mr. Cox.

The PRESIDENT. The gentleman from Allegheny, Mr. Cox, did not state he voted in the affirmative and therefore he cannot make such a motion.

Mr. COX. Mr. President, I certainly cannot say I voted in the affirmative. I did not have an opportunity to vote and the position of the Chair is absolutely correct.

The PRESIDENT. The Chair is not questioning the motion of the gentleman from Philadelphia but certainly the gentleman from Allegheny, Mr. Cox, did not vote in the affirmative.

Mr. COX. I say the Chair is absolutely correct.

The PRESIDENT. Therefore the Chair cannot entertain such a motion. If the Senators insist that the rolls be called they will be called. The Chair wants to help the Senator from Allegheny but the records must be kept correctly and in accordance with the rules and until that is done the Chair must take the position that he has taken.

Mr. SHAPIRO. Mr. President, the gentleman from Allegheny, Mr. Cox, agrees with the Chair.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CARR. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Butler will state his question of parliamentary inquiry.

Mr. CARR. Mr. President, when the Chair in stating a motion asks if there is any objection, is that not equivalent to asking for unanimous consent? As long as no one raises an objection is not every Senator considered as voting in the affirmative?

Mr. COX. Mr. President, when this motion was made I was on my feet trying to attract the attention of the Chair.

Mr. SHAPIRO. There is a motion before the Senate, Mr. President, which has been seconded.

The PRESIDENT. The Chair is going to insist upon proper procedure. There is a motion before the Senate, made by the gentleman from Philadelphia, Mr. Shapiro, which was seconded by the gentleman from Philadelphia, Mr. Jaspán, that the vote by which Senate Bill No. 649 was recommitted be reconsidered.

Mr. EALY. Mr. President, I might state for the information of the Senators, it was explained a short time ago when the request was made that a companion bill be recommitted, that the same request would be made in connection with this bill, not for the purpose of killing them, but for the purpose of further study of the whole subject so that there might not be any confusion. These bills deal with the same subject and I do not believe there is any intention to kill the bill, but we do not want to have it hastily passed.

I would suggest, Mr. President, that the Senators agree to allow the bill to be recommitted.

Mr. SHAPIRO. Mr. President, I should like in withdrawing my motion to make the suggestion that, whether because it is late or because the other side thinks they have a majority and do not have to pay any attention to this side, we would get along much better if you did not have that attitude.

The gentleman from Allegheny, Mr. Cox, was not aware that this was one of the bills which was to be recommitted, about which an explanation had been made. He wanted to know something about it and if there had not been so much technicality about this bill being recommitted by the other side you could have told him and we would not have had this motion.

MOTION WITHDRAWN

Mr. SHAPIRO. Therefore, Mr. President, I withdraw my motion.

Mr. JASPAN. Mr. President, I second the withdrawal of motion.

The PRESIDENT. The gentleman from Philadelphia, Mr. Shapiro, who made the motion, and the gentleman from Philadelphia, Mr. Jaspán, who seconded, have withdrawn the motion.

Mr. GELTZ. Mr. President, I just want to say in answer to the comments of my colleague from Philadelphia that I would have been very glad to have answered any questions asked me by my colleague from Allegheny, but none were asked.

Mr. COX. Mr. President, I can not forget, in answer to the gentleman from Allegheny, Mr. Geltz, that last week when I sincerely asked that a bill go over in its order instead of being recommitted, my request was refused and the bill was recommitted, when it was my purpose at that time to ascertain certain things relative to its contents, which was my reason for making the motion in this case.

The PRESIDENT. The Chair has no interest whatever in the bill in question. The procedure by which this bill went over in its order was the procedure which has been in vogue here in the Senate since the Chair has been presiding. When the Senator from Allegheny, Mr. Cox, objected, the bill had already been recommitted, and the only possible action was to have that action reconsidered. That was the position the Chair took. The Chair has no desire to prevent discussion or debate.

Mr. COX. Mr. President, I find no fault with the action the Chair has taken. I do not want the Chair to think I have been critical. I have not. It just so happens the position I have on the floor of this Senate is so far removed from the Chair it is very difficult for the Chair to hear me and to know I am on my feet.

The PRESIDENT. The Chair does not believe that is altogether correct; the Chair may be partly responsible in trying to hasten the disposition or passage on the bills before the Senate. However, if the Senate does not wish to proceed in the method and order which has been followed since the Chair has been the presiding officer, the Chair is perfectly satisfied and will adhere to the rules strictly.

As previously stated, Senate Bill, No. 649, (House Bill No. 971), is recommitted to the Committee on Municipal Government.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. SCARLETT. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1016, entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1025, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons returned to this Commonwealth by the

authorities of another State or transferred from one poor district to another by the Department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended by deferring the operation of the act for a further period of time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1026, entitled:

An Act to amend the act, approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients, providing for the transfer of such institutions to the Commonwealth, providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases, providing for the retransfer of certain property to institution districts under certain circumstances, conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties, prohibiting, cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws," as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provisions for the adjustment of various matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1027, entitled:

An Act to further amend section three of the act approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled "An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals, counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws," by deferring the operation of the act for a further period of time and making further provision for the care of mental patients in certain county city or institution district institutions during such time.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, May 27, 1941, at 12 o'clock noon, Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., Eastern Standard Time, until Tuesday, May 27, 1941, at 12 o'clock noon, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, May 26, 1941

The House met at 8 p. m.

The CHIEF CLERK (Thomas J. Callahan) in the Chair.

The CHIEF CLERK. I am directed by the Speaker to call the House to order and to request the gentleman from Delaware, Mr. Turner, to preside until the Speaker returns to the Chair this evening.

MR. TURNER IN THE CHAIR

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Gracious God, our heavenly Father, we pause to thank Thee for our homes, and for the revelation they bring to us of the power of love. In them we enter into the mysteries of forgiveness, of long-suffering, and of patient love. In them we find that sweet security from a busy and uncaring world which fills us with anticipation of the joys of heaven. Guard our homes from evil, protect them from enemies without and within, and give each of us, as chosen men to represent this great commonwealth, or as citizens of this our beloved State, the spirit that shall maintain these homes from which we have come, as centers of light and of life, of joy and of peace.

God, do bless our Nation and our State. Make us ever conscious of the fact that if the home fails then the State and the Nation shall fail. Help us ever to be mindful of Thee in our relationships within our homes. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER pro tempore. The Clerk will read the Journal of Thursday, May 22, 1941.

The Clerk proceeded to read the Journal of Thursday, May 22, 1941, when, on motion of Mr. RHEA, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Messrs. MARKS and READINGER.

HOUSE BILL No. 1680.

An Act to amend section three hundred and five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the

violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by regulating the suspension and dismissal of other than professional employes in the school districts of the second class, and providing for appeals to the court of common pleas.

Referred to the Committee on Education.

By Messrs. KENEHAN and O'NEILL.

HOUSE BILL No. 1681.

An Act to further amend section two of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 62), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons, returned to this Commonwealth by the authorities of another state, or transferred from one poor district to another by the department, and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons,' by relieving poor districts of certain costs and placing such costs on the Commonwealth," by deferring the operation of the act for a further period of time.

Referred to the Committee on State Government.

By Messrs. KENEHAN and O'NEILL.

HOUSE BILL No. 1682.

An Act to further amend section three of the act, approved the eleventh day of October, one thousand nine hundred thirty-eight, (P. L. 63), entitled "An act to amend the act, approved the eleventh day of July, one thousand nine hundred twenty-three (P. L. 998), entitled 'An act for the prevention and treatment of mental diseases, mental defect, epilepsy, and inebriety; regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics; governing the transfer, discharge, interstate rendition, and deportation of mental patients; providing for the payment by individuals, counties, or the Commonwealth of the cost of the admission, care, and discharge of mental patients; and imposing penalties,' as amended, by further defining and limiting the institutions in which persons mentally ill may receive care and treatment; relieving counties and poor districts of the payment of the cost of the admission, care, and discharge of mental patients, with certain exceptions; imposing such costs on the Commonwealth; and repealing inconsistent laws," by deferring the operation of the act for a further period of time, and permitting the care of mental patients in certain county, city or institution district institutions during such time.

Referred to the Committee on State Government.

By Messrs. KENEHAN and O'NEILL.

HOUSE BILL No. 1683.

An Act to further amend the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance, and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution dis-

tricts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part, for the care and treatment of mental patients; and repealing inconsistent laws," by extending the time within which the Commonwealth shall take over certain institutions, and extending the time for the repeal of certain acts listed in section nine of said act.

Referred to the Committee on State Government.

By Mr. SCANLON. HOUSE BILL No. 1684.

An Act to further amend section six hundred ten of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the penalties for violations of certain provisions of the act.

Referred to the Committee on Liquor Control.

By Mr. SNYDER. HOUSE BILL No. 1685.

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, defining their powers and duties; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing county commissioners to make appropriations for the use of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

Referred to the Committee on Agriculture.

By Mr. MATTHEW J. WELSH. HOUSE BILL No. 1686.

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States; providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

Referred to the Committee on Military Affairs.

By Mr. BENTLEY. HOUSE BILL No. 1687.

An Act to further amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension for employees of said cities, and regulating the administration and the payment of such pensions," by further regu-

lating the allowance of pensions to certain persons heretofore or hereafter dismissed.

Referred to the Committee on Cities—Second Class.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1688.

An Act to further amend section four hundred eleven of the act, approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on an off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further prescribing the hours when liquor or malt or brewed beverages may be sold by licensees.

Referred to the Committee on Liquor Control.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 807. (HOUSE BILL No. 1689).

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting the imposition of conditions upon grants of moneys and the invasion of states rights.

Referred to the Committee on State Government.

SENATE BILL No. 782. (HOUSE BILL No. 1690).

An Act to further amend subsections (a), (b) and (c) of section one thousand two hundred and one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal

corporation subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," further providing for assessment of regulatory expenses upon public utilities.

Referred to the Committee on Public Utilities.

SENATE BILL No. 419. (HOUSE BILL No. 1691).

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks.

Referred to the Committee on Highways.

SENATE BILL No. 465. (HOUSE BILL No. 1692).

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

Referred to the Committee on Highways.

SENATE BILL No. 451. (HOUSE BILL No. 1693).

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, prohibiting taxation of bonds and securities of States, their instrumentalities or political subdivisions and the income therefrom, without the consent of the State.

Referred to the Committee on State Government.

SENATE BILL No. 207. (HOUSE BILL No. 1694).

An Act to further amend subsections (a) and (b) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the employment, suspension, and retirement of professional employees.

Referred to the Committee on Education.

SENATE BILL No. 303. (HOUSE BILL No. 1695).

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways.

Referred to the Committee on State Government.

SENATE BILL No. 362. (HOUSE BILL No. 1696).

An Act to further amend section one of article four of the act, approved the ninth day of June, one thousand nine hundred eleven (P. L. 756) entitled "An act to provide for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," changing the required proportion of mine foremen to other persons to be employed in bituminous mines and providing for the issuance of limited mine foremen's certificate

Referred to the Committee on Mines and Mining.

SENATE BILL No. 122. (HOUSE BILL No. 1697).

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

Referred to the Committee on Judiciary General.

SENATE BILL No. 301. (HOUSE BILL No. 1698).

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools and classes, through public school districts and in co-operation with employment offices, for the training, retraining, instruction, and adjustment of out-of-school, unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions; conferring powers and imposing duties upon the Superintendent of Public Instruction; and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 571. (HOUSE BILL No. 1699).

An Act making an appropriation to the Local Government Commission to continue its work.

Referred to the Committee on Appropriations.

SENATE BILL No. 789. (HOUSE BILL No. 1700).

An Act to amend section eleven of the act, approved the thirty-first day of March, one thousand nine hundred and thirty-seven (P. L. 160), entitled "An act creating a commission to be known as the Pennsylvania Public Utility Commission; defining in part the powers and duties of such commission; abolishing The Public Service Commission of the Commonwealth of Pennsylvania, terminating the terms of the members thereof, and transferring to the Pennsylvania Public Utility Commission the records, employes, property, and equipment of The Public Service Commission of the Commonwealth of Pennsylvania; authorizing the Pennsylvania Public Utility Commission to appear in and complete all pending proceedings, legal or otherwise, instituted, by or against The Public Service Commission of the Commonwealth of Pennsylvania; providing that all certificates of public convenience, contracts, orders, and rules and regulations of the latter commission shall remain effective until repealed, changed or modified by the Pennsylvania Public Utility Commission, and transferring and appropriating to the Pennsylvania Public Utility Commission any unexpended balance of any existing appropriation to The Public Service Commission of the Commonwealth of Pennsylvania," by expressly providing for administration of the Public Utility Law of June first, one thousand nine hundred and thirty-seven (P. L. 1053), by the Public Utility Commission; and directing said commission to certify certain questions of fact as to the purity of water to the Department of Health.

Referred to the Committee on Public Utilities.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1228

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1228, Printer's No. 268, entitled, "An Act to amend sections three and four of the act approved the fifth day of June one thousand nine hundred thirty-five (Pamphlet Laws 266) entitled 'An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name' exempting the sale of books to libraries from the provisions of said act."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1373

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1373, Printer's No. 402,

entitled, "An Act to amend part of section two of the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts of one thousand nine hundred thirty-nine page sixty) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine' by making the appropriation to the Department of Military Affairs for the use of the Pennsylvania National Guard also available for the use of the Pennsylvania Reserve Defense Corps."

ARTHUR H. JAMES.

COMMUNICATIONS AND PETITIONS

The SPEAKER pro tempore laid before the House the following communications and petitions which were read by the Clerk.

MILK CONTROL

A communication from Pennsylvania State Grange, addressed to the Speaker, opposing continuance of compulsory price-fixing provisions in the present State Milk Control Law.

Referred to the Committee on Agriculture.

EMPLOYES OF D. P. A.

A communication from the United Mine Workers of America, addressed to the Speaker, favoring passage of House Bill No. 777.

Referred to the Committee on Appropriations.

SCHOOL DISTRICTS

A communication from Archbald Teachers Association, addressed to the Speaker, favoring passage of Senate Bill No. 528, making a deficiency appropriation to certain school districts.

Referred to the Committee on Appropriations.

STATE-AIDED HOSPITALS

A communication from St. Francis Hospital of Pittsburgh, Inc., addressed to the Speaker, requesting increase in state appropriation.

Referred to the Committee on Appropriations.

STATE BUILDING AND LOAN INSURANCE BOARD

Communications from the Indian Queen Building and Loan Association, Philadelphia, the Laurel Hill Building and Loan Association, Philadelphia, Central Germantown Avenue Business Men's Building and Loan Association, Philadelphia, Cambria Building Association, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 512, creating a State Building and Loan Insurance Board.

Referred to the Committee on Banking.

SCHOOL CODE

Communications and telegrams from citizens of Pennsylvania, addressed to the Speaker, requesting House Bill No. 1371, providing salary increments of elementary school teachers in first class school districts be reported from committee.

Referred to the Committee on Education.

TEACHERS TENURE

Communication from National Association of Business-Teacher-Training Institutions, Akron, Ohio; American Committee for Democracy and Intellectual Freedom, New York City; Teachers College of Connecticut, New Britain, Connecticut; Edward S. Allen, Ames, Iowa and a petition from Boston, Massachusetts, opposing passage of House Bill No. 1357.

Referred to the Committee on Education.

COMPULSORY AGE

A communication from Simon Gratz, High School, Philadelphia, addressed to the Speaker, protesting passage of House Bill No. 1445.

Referred to the Committee on Education.

INSURANCE ADJUSTERS

A communication from The American Druggists Fire Insurance Co., Cincinnati, Ohio, opposing passage of House Bill No. 1497, providing for the qualifications and licensure of insurance adjusters.

Referred to the Committee on Insurance.

UNFAIR SALES

A communication from Pennsylvania Grocers Association, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1210, Unfair Sales Bill.

Referred to the Committee on Judiciary Special.

LIQUOR SALES

A petition from citizens of Oak Forrest Community, Greene County and a communication from The Orion Sunday School Class of Washington, Pa., addressed to the Speaker, protesting extension of hours during which alcoholic beverages may be sold.

Referred to the Committee on Liquor Control.

VEHICLE CODE

A communication from the Civic Club of Harrisburg, urging defeat of House Bill No. 690.

Referred to the Committee on Motor Vehicles.

RETIREMENT

A communication from Pennsylvania State Association of Boroughs, Hanover, addressed to the Speaker, favoring passage of House Bill No. 535, Municipal Retirement Act.

Referred to the Committee on Municipal Corporations.

OPTOMETRISTS

A communication from the Pittsburgh Optical Workers Local No. 18820, opposing passage of House Bill No. 966

Referred to the Committee on Professional Licensure.

NURSES

A communication from Pennsylvania State Nurses Association, submitting amendments to House Bill No. 675.

Referred to the Committee on Professional Licensure.

PROFESSIONAL LICENSURE

A communication from Pennsylvania Conference of Professional Licensees, addressed to the Speaker, requesting additional funds for administration of various licensure and registration acts.

Referred to the Committee on Professional Licensure.

PROTECTION OF WATER SOURCES

A communication from Philadelphia Bourse, addressed to the Speaker, requesting favorable consideration of House Bill No. 900.

Referred to the Committee on State Government.

PERSONAL PROPERTY TAX

A communication from the liquidating trustees of Lycoming Trust Company, Williamsport; Brookville Bank and Trust Company; Brookville Title and Trust Company; The First National Bank of Sykesville and The Peoples National Bank of Reynoldsville favoring passage of House Bill No. 1513.

Referred to the Committee on Ways and Means.

PUBLIC ASSISTANCE

A communication together with a resolution from the Cambria County Board of Public Assistance, addressed to the Speaker, urging repeal of the Compulsory Milk Act.

Referred to the Committee on Welfare.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. COOPER for himself after tonight's session for the remainder of the week.

Mr. Tarr for Mr. MATTHEW J. WELSH for the week because of illness.

Mr. Gerard for the SPEAKER for a limited time this evening.

Mr. ALLMOND for himself after tomorrow's session for the remainder of the week.

Mr. BOORSE for himself after tomorrow's session for the remainder of the week.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 26, 1941.

Resolved, (if the House of Representatives concur), that when the Senate adjourns this week, it reconvene on Monday, June 2, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 2, 1941, at 8 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was unanimously concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON FIRST READING

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of Mr. SCANLON.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 771, entitled:

An Act to amend subsection (d) of section two hundred eight of the act, approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employees to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act, in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 267, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1429, entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the General Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties', approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1572, entitled:

An Act to amend the act approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising

breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages," as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgagees, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 573, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Department of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1375, entitled:

An Act providing for the payment of moneys to school districts of the fourth class, the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 957, entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employees retirement system in counties of the third class; and imposing certain charges on counties, extending and further regulating such retirement systems.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1604, (Senate Bill No. 352), entitled:

An Act providing for the creation maintenance and operation of a county employees retirement system in counties of the fifth class imposing certain charges on counties and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1191, entitled:

An Act to further amend clause one of section three of the act, approved the eighteenth day of July, one thou-

sand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by further extending the time for present employees, as defined in the act, to elect to be covered by the retirement system and providing for payments by and to the funds in such cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1556, entitled:

An Act to add section four thousand four hundred ten to article forty-four of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," imposing penalties for violations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. MARKS. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—Third Class for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1670, entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 189, entitled:

An Act to amend section 2002 of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing that council shall designate the chief and other officers of the police force.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities—Third Class for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1293, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities of the third class the right and power to frame, adopt and amend their own charters, and to exercise the powers and authority of local self-government, and providing the procedure therefor; imposing certain restrictions, limitations and regulations; imposing duties upon city councils, city officers, county boards of elections, courts of common pleas, and the Secretary of the Commonwealth; and providing for the payment of certain expenses by cities of the third class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1226, entitled:

An Act to amend section one thousand two hundred and eleven of the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for payment of one-fourth of fines collected for violations of said act to the counties for maintenance of prisoners committed for such violations; and imposing duties on magistrates, aldermen and justices of the peace.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1578, (Senate Bill No. 284), entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7, and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employees and subordinate officers of the city.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 329, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its

agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," eliminating some of the requirements heretofore imposed upon restaurant licensees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1302, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1407, (Senate Bill No. 597), entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

BILL PASSED OVER

There being no objection House Bill No. 1537, Senate Bill No. 381, Printer's No. 233, was passed over at the request of the SPEAKER pro tempore.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 788, entitled:

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining" operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1636, entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1451, entitled:

An Act creating a commission to make a study and investigation of the various phases of aeronautics and aviation in the Commonwealth of Pennsylvania for the purpose of advising the General Assembly with respect to the expenditure of public funds in these fields directing such commission to make a report and recommendations to the General Assembly conferring certain powers upon such commission including the powers to issue subpoenas retain employes and expend funds and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUSSELL E. REESE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 910, entitled:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions regulating the payment thereof and conferring powers and imposing duties on the Department of Agriculture

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 678, entitled:

An Act to safeguard life, health and property; defining, regulating and licensing contractors and journeymen engaged in the business of painting, paperhanging and decorating; fixing license fees; providing for the revocation of such licenses and appeals therefrom; creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry, and conferring powers and imposing duties thereon; providing penalties and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HIRSCH. Mr. Speaker, I move that this bill be re-

committed to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 811, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15), entitled, as last amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines as herein defined;

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution

thereof; restricting ownership and interest in licensed places, permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises; and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license;

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1208, Senate Bill No. 80, Printer's No. 331, was passed over at the request of the SPEAKER, pro tempore.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1597, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State Highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Lebanon.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1437, entitled:

An Act to further amend section one thousand four hundred and thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further providing for home and school visitors and attendance officers and for their compensation

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 706, entitled:

An Act authorizing and empowering school districts to furnish food including milk free to needy school children in their districts providing for payment of the cost thereof permitting cooperation with public and private agencies for such purposes imposing duties on the Superintendent of and the Department of Public Instruction making an appropriation and providing procedure for the apportionment thereof to such school districts

And said bill having been read at length the time and agreed to

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1586, entitled:

An Act to further amend and reenact clauses one two three and four of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries and increments required to be paid certain employes in school districts of the first class by establishing a minimum salary schedule and increments for school secretaries school nurses attendance officers special class teachers vocational school teachers and heads of departments in high schools in school districts of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Education, for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 637, entitled:

An Act for safeguarding persons and property and promoting the welfare of the public creating an electrical administrative board of the Commonwealth of Pennsylvania and prescribing its duties and authority establishing minimum standards for electrical equipment and its installation providing for State-wide inspection of installations of electrical equipment providing for the appointment of electrical inspectors for carrying out the provisions of this act and prescribing their qualifications duties rights and authority making it unlawful to undertake or perform the installation of electrical equipment without applying for inspection therefor except as other-

wise provided providing for the licensing by the electrical administrative board of persons firms or corporations engaged in the business of electrical contracting and electrical journeymen employed by them in the work of installing maintaining altering or repairing electrical equipment making it unlawful to undertake or perform the installation of electrical equipment without a license except as otherwise provided providing penalties for the violation of this act and repealing all statutes and parts of statutes in conflict with this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1559, entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including therein military police and certain other persons in the armed service of the United States

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1423, entitled:

An Act to further amend section eleven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns

benefits and rights from taxation and judicial process and providing penalties" by extending the service allowance of certain employees

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 94, entitled:

An Act to amend section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examination for tuberculosis for pupils teachers janitors or other employees

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1470, entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1331, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 472, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June one thousand nine hundred and thirty-seven (P. L. 1168) entitled "An act to protect the right of employees to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employees to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employees be the exclusive representatives of all the employees authorizing the board to conduct hearings and elections and certify as to representatives of employees for purposes of collective bargaining empowering the board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the board prescribing certain penalties" redefining the powers and duties of the Pennsylvania Labor Relations Board redefining "labor dispute" the rights of employers and certain unfair labor practices by employers and employees further changing the provision for designation and selection of representatives for the purpose of labor bargaining changing the practice and procedure before the board further prescribing the qualifications for and increasing the salaries of members of the board eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry and eliminating certain forfeiture of rights

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 786, entitled:

An Act to further amend section forty-three of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1380, entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seven (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing

certain funds from contributions by the Commonwealth and contributing employes denying the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1611, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FRENCH. Mr. Speaker, I move that this bill be re-committed to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 848, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1508, (Senate Bill No. 645), entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1605, (Senate Bill No. 32), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County the western terminus of the turnpike heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade charges and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1551, (Senate Bill No. 551), entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1552, (Senate Bill No. 552), entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1096, entitled:

An Act to regulate the practice of general contracting in Pennsylvania to establish a State Registration Board or Contractors and to define its powers and duties to provide the method of obtaining a certificate of registration to engage in the practice of general contracting and to fix fees for such certificates to dispose of the moneys raised to provide the method of suspension and cancellation of such certificate of registration and to prescribe the punishment for violation of the provisions of his act

The first section was read.
On the question,
Will the House agree to the section?

BILL RECOMMITTED

Mr. SCANLON. Mr. Speaker, I move that this bill be recommitted to the Committee on Professional Licensure, for the purpose of further study and possible amendment.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 571, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first

one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 736, entitled::

An Act to further amend section two thousand five hundred and sixty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (F. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the penalties and interest imposed for the nonpayment of taxes.

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,
The House proceeded to the consideration on final passage of House Bill No. 610, as follows:

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2403 Specific Powers In addition to other powers granted by this act the council of each city shall have power by ordinance

* * * * *
47 Aid to Historical Societies To make annual appropriations not exceeding two hundred fifty dollars (\$250.00) for the support and maintenance of the principal historical society located therein which shall be incorporated under the laws of the Commonwealth shall [owr its own building and keep 'tl maintain permanent quarters and shall keep the same open to the public shall have a membership of at least two hundred persons who pay annual dues of at least two dollars shall hold annually at least six regular meetings that shall be open to the public and shall at all times maintain facilities for the free storage deposit and inspection of official documents and records of the city and other proper public or historical archives and records

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Allmond,	Flynn,	Longo,	Rooney,
Auker,	Foor,	Lovett,	Rose, S.,
Baker,	French,	Lyons,	Rose, W. E.,
Balthaser,	Gallagher,	Malloy,	Rosenfeld,
Baughner,	Gates,	Marks,	Royer,
Bentley,	Gerard,	Maxwell,	Rush,
Bentzel,	Gillan,	McClanaghan,	Sarge,
Boles,	Gillette,	McClester,	Sarra,
Boney,	Goodwin,	McDermott,	Scanlon,
Boorse,	Greenwood,	McDowell,	Schwab,
Bower,	Gross,	McFall,	Serrill,
Bradley,	Gryskewicz,	McGrath,	Shaffer,
Breth,	Gyger,	McIntosh,	Shaw,
Bretherick,	Habbyshaw,	McKinney,	Shepard,
Brown,	Haberlen,	McLane,	Simons,
Brunner, C. H.,	Haines,	McLanahan,	Skale,
Brunner, P. A.,	Hall,	McMillen,	Snyder,
Burns,	Hamilton,	McSurdy,	Sollenberger,
Burris,	Hare,	Melchiorre,	Sorg,
Cadwalader,	Harkins,	Mihm,	Stambaugh,
Chervenak,	Harmuth,	Modell,	Stank,
Chudoff,	Harris,	Monks,	Stine,
Cochran,	Heatherington,	Mooney,	Stockham,
Cohen, M. M.	Helm,	Moran,	Tarr,
Cohen, R. E.,	Hering,	Moul,	Tate,
Cook,	Herman,	Muir,	Taylor,
Cooper,	Hersch,	Munley,	Thompson, E. F.,
Cordier,	Hewitt,	Nagel,	Thompson, R. L.,
Corrigan,	Hirsch,	Nunemacher,	Trout,
Croop,	Holland,	O'Brien,	Turner,
Cullen,	Huntley,	O'Connor,	Van Allsburg,
Dalrymple,	Imbrie,	O'Dare,	Verona,
Dennison,	James,	O'Mullen,	Vincent,
DiGenova,	Jefferson,	O'Neill,	Vogt,
Dix,	Jones, G. E.,	Owens,	Voldow,
Dolon,	Jones, P. N.,	Petrosky,	Voorhees,
D'Ortona,	Keenan,	Pettit,	Wagner,
Duffy,	Kenahan,	Polaski,	Watkins,
Early,	Kline,	Polen,	Weingartner,
Eckels,	Knoble,	Powers,	Welsh, E. B.,
Elder,	Kolankiewicz,	Prosen,	Wilkinson,
Elliot,	Komorofski,	Rank,	Will, ms
Ely,	Krise,	Rausch,	Winnor,
Falkenstein,	Lee, E. A.,	Readinger,	Wolf,
Finestone,	Lee, T. H.,	Reagan,	Wood, L. H.
Finnerty,	Lelsey,	Reese, D. P.,	Wood, N.,
Fisher,	Leonard,	Reese, R. E.,	Woodring,
Fiss,	Lesko,	Regan,	Wright,
Fleming,	Levy,	Reynolds,	Yeakel,
Fletcher,	Leydic,	Rhea,	Yester,
	Lichtenwaller,	Riley,	Young,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1355, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the conditions of eligibility for election or appointment as county district assistant county or district superintendent and associate superintendent and the term of county superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one thousand one hundred three of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-two of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows:

Section 1103 No person shall be eligible for election or appointment as a county district or assistant county or district superintendent or associate superintendent unless he holds a diploma from a college or other institution approved by the State Council of Education of this Commonwealth and unless he has had not less than six years successful teaching experience at least three years of which shall have been in a supervisory or administrative capacity or he has had not less than four years successful teaching experience and has successfully completed twenty-four semester hours of graduate courses in education in a college or university approved by the State Council of Education Provided That serving either as county district or assistant county or district superintendent or associate superintendent in this Commonwealth at the time this act becomes effective shall be considered sufficient qualification for any of the aforesaid offices

[Provided That no person shall be elected or appointed a county district or assistant county or district superintendent or associate superintendent who has not had six years successful teaching experience not less than three of which shall have been in a supervisory or administrative capacity And provided further That he has completed in a college or university a graduate course in education approved by the State Council of Education And provided further That serving either as county district or assistant county or district superintendent or associate superintendent in this Commonwealth at the time this act becomes effective shall be considered sufficient qualification for any of the aforesaid offices]

Section 2 Section one thousand one hundred four of said act is hereby amended to read as follows

Section 1104 Every [four] six years there shall be elected as herein provided in every county in this Commonwealth a person to be known as the county superintendent

Section 3 Section one thousand one hundred five of said act as amended by section one of the act approved the twenty-third day of May one thousand nine hundred twenty-three (P. L. 349) is hereby further amended to read as follows

Section 1105 The school directors of each county of this Commonwealth in which a county superintendent is to be elected shall meet in convention at the county seat of their county in the courthouse or some other suitable place to be furnished by the county commissioners at the expense of the county on the second Tuesday of April one thousand nine hundred and eighteen (1918) and on the same day of every fourth forty-two (1942) and on the same day of every sixth year thereafter and by a majority vote of those present elect as herein provided one duly qualified person as county superintendent to serve for [four] six years from the first Monday of July next following Provided That [on the second Tuesday of April one thousand nine hundred and twenty-six (1926) county superintendents shall be elected as herein provided to serve from the first Monday of May one thousand nine hundred and twenty-six (1926) until the first Monday of July one thousand nine hundred and thirty (1930)] county superintendents elected on the second Tuesday of April one thousand nine hundred and thirty-eight (1938) shall serve until the first Monday of July one thousand nine hundred and forty-two (1942)

Section 4 Sections one thousand one hundred six one thousand one hundred eight and one thousand one hundred eleven of said act are hereby amended to read as follows

Section 1106 It shall be the duty of every person serving as county superintendent of public schools to give notice of the convention of school directors to be held for the purpose of electing a county superintendent [on the second Tuesday in April one thousand nine hundred and fourteen (1914) and thereafter] which notice shall be published in the county in at least two newspapers once a week for three consecutive weeks the last publication to be at least ten days prior to the date of said convention said notice to be in the following form

Election of County Superintendent

Notice is hereby given that the school directors ofCounty will meet at the.....in.....on Tuesday the.....day of.....19.... at.....o'clockMeridian for the purpose of electing a legally qualified person as county superintendent of public schools for the ensuing term

.....
Superintendent of Public Schools

The cost of publishing such notice shall be paid by the [Superintendent] Department of Public Instruction out of the appropriation for the salaries of county and assistant county superintendents

Section 1108 [No votes for a candidate for county superintendent at any such convention shall be counted unless said candidate has before the vote is taken filed with the president thereof] No person elected as a county superintendent at any such convention shall be eligible to serve in the position to which he has been elected unless he shall within thirty days after such election record in the office of the recorded of deeds a county district or assistant county or district superintendent's commission which has been issued within the previous four years by the Superintendent of Public Instruction or such other evidence of eligibility as is required by this act In the event that any person so elected shall fail to qualify as required in this section another convention of the school directors of the county shall be held on the second Tuesday of June to elect another duly qualified person as county superintendent Notice of such other convention shall be given as hereinbefore provided in the case of the first convention

Section 1111 If no valid objections to the election of a county superintendent be filed with the Superintendent of Public Instruction within fifteen days after his election and he shall have recorded his evidences of eligibility as required by section one thousand one hundred eight of this act a proper commission shall be issued to the person so elected for the ensuing term by the Superintendent of Public Instruction under the seal of his department

On the question,

Shall the bill pass finally?

Mr. VAN ALLSBURG. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Goodwin.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GOODWIN. I shall, Mr. Speaker.

Mr. VAN ALLSBURG. Mr. Speaker, I would like the gentleman from Allegheny, Mr. Goodwin, to refer to page 2, section 1103 of the bill and to read with me this particular section which says,

"No person shall be eligible for election or appointment as a county district or assistant county or district superintendent or associate superintendent unless he holds a diploma from a college or other institution approved by the State Council of Education of this Commonwealth and unless he has had not less than six years successful teaching experience at least three years of which shall have been

in a supervisory or administrative capacity or he has had not less than four years successful teaching experience and has successfully completed twenty-four semester hours of graduate courses in education in a college or university approved by the State Council of Education provided that serving either as county district or assistant county or district superintendent or associate superintendent or association superintendent in this Commonwealth at the time this act becomes effective shall be considered sufficient qualification for any of the aforesaid offices."

In anticipating a final vote on this bill I read it for the first time. I would like to have the gentleman from Allegheny explain the purport of the language beginning with the words "Provided" in line 27, and I would like to ask the gentleman whether that last provision which provides that a person may be eligible "who has served as a county, district or assistant county or district superintendent or as a associate superintendent of this Commonwealth", does not mean that it would be possible for a person who has served in that capacity as an assistant but who has but very little teaching experience, possibly a year or so, to be eligible to the office of county superintendent?

Mr. GOODWIN. Mr. Speaker, in answer to the gentleman from Erie, Mr. Van Allsburg, I think the bill as presented is very clear. It provides as follows:

"Providing that serving either as county district or assistant county or district superintendent or associate superintendent in this Commonwealth at the time this act becomes effective shall be considered sufficient qualification for any of the aforesaid offices".

I believe that anybody in any of these capacities will have served more than one year.

Mr. VAN ALLSBURG. Mr. Speaker, I fail to understand the bill that way. The original bill provides that no person shall be eligible for this position unless he holds a diploma from a college or other institution approved by the State Council of Education of this Commonwealth. Then you amend it by providing an additional qualification, "unless he has had not less than six years of successful teaching experience, not less than three of which shall have been in a supervisory or administrative capacity." The bill further provides as follows:

"Unless he has had not less than four years of successful teaching experience and has successfully completed twenty-four semester hours of graduate courses in education in a college or university approved by the State Council of Education."

Then the bill provides however that regardless of the amendment up to this point, if he has had experience as an assistant to a county superintendent of a year or two—there is no specification of the length of time of experience that he must have as an assistant,—he is ready and eligible to be promoted or elected to the superintendency of a county. It seems to me that is a very dangerous provision.

Mr. GOODWIN. Mr. Speaker, I gather then, that is the law today.

Mr. VAN ALLSBURG. Mr. Speaker, it is not the law today. Those words are underscored which I just read.

Mr. GOODWIN. That is the provision today. Mr. Speaker.

Mr. VAN ALLSBURG. Mr. Speaker, that provision is a new part of the law, it is apart of the amendment to the law. Will the gentleman please answer me directly whether

it is not a fact that a person whose qualifications as provided for under the law, that is, he must hold a diploma from a college or from an "approved institution", that he can without the experience spoken of become a county superintendent, and can be eligible with almost no experience provided he has a little experience as an assistant county superintendent?

Mr. GOODWIN. Mr. Speaker, I hold that that is the intention of this amendment. Why should those people who fill the position as stated here be deprived of an opportunity to become a superintendent of schools, if they have the other qualifications. Is the superintendency at the present time a closed corporation and is it so scared that nobody else may be permitted to be a candidate for that office?

Mr. VAN ALLSBURG. Mr. Speaker, I would like to ask the gentleman further if he infers, for example, a year or two of experience as a certified teacher, is equivalent to what you are providing for in the first part of the amendment, namely six years of experience as a teacher of which three years have been in a supervisory capacity.

Mr. GOODWIN. Mr. Speaker, if there is no objection I would like to yield to the gentleman from Cambria Mr. O'Connor.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. O'CONNOR. I shall, Mr. Speaker.

Mr. VAN ALLSBURG. Mr. Speaker, I would like to ask the gentleman from Cambria, Mr. O'Connor a question about the proviso clause at the end of page 609 in the amendment. What I am fearful of is that this amendment would make it possible for a person with very limited teaching experience to become county superintendent, as a result of merely having possibly a short experience as an assistant county superintendent.

Mr. O'CONNOR. Mr. Speaker, in reply to the gentleman from Erie, if he will refer to the beginning of section 1103 he will find the qualifications for an assistant county superintendent are identical with the qualifications for the county superintendent, which would of itself eliminate any such happening as he suggests. The purpose of the proviso in the bill, as I understand it, and I had charge of the bill in the sub-committee is that anyone now serving in the capacity of assistant county superintendent who has not had the additional semester hours of training would be eligible without taking those additional semester hours of training.

Mr. VAN ALLSBURG. Mr. Speaker, I would like to call the gentleman's attention to the fact that although any person now serving as assistant county superintendent may have the qualifications provided for in the terms of the old law as referred to by the gentleman from Cambria, nevertheless I cannot read anything else into this proviso clause than that if a person with those educational qualifications had no more experience than a year or two, which would be possible but not probable, with no other teaching experience, than that he would be eligible to be promoted to the position of county superintendent.

Mr. O'CONNOR. Mr. Speaker, to my knowledge under the present law in Pennsylvania no one can be an assistant county superintendent unless he has qualifications for being a superintendent, no one can be a superintendent unless he has experience. In 1931 the law relating to the qualifications for a county superintendent was changed.

We have quite a number of assistant county superintendents in Pennsylvania serving today who served prior to 1931. This amendment it to protect those people who have served,—one for instance to my knowledge has served for eighteen years as assistant county superintendent. If this bill should not be enacted into law that particular teacher with eighteen years experience could not become county superintendent.

Mr. VAN ALLSBURG. Mr. Speaker, I see very well what the gentleman wishes to accomplish for one who has had long experience but I am talking about the man who has qualified to the degree that he has completed such requirements as approved by the State Council but has not had the experience as approved by the State Council.

Mr. O'CONNOR. Mr. Speaker, in answer to the question of the gentleman I might say that is impossible under the present law, and under this bill he must have four years experience at least. An inexperienced teacher could not become a superintendent or assistant county superintendent under the provisions of this law.

Mr. VAN ALLSBURG. Mr. Speaker, I hope the gentleman is right about this.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Allmond,	Fletcher,	Levy,	Rhea,
Auker,	Flynn,	Leydic,	Riley,
Baker,	Foor,	Lichtenwalter,	Rooney,
Ba'thaser,	French,	Longo,	Rose, S.,
Bentley,	Gallagher,	Lovett,	Rosenfeld,
Bentzel,	Gates,	Lyons,	Rush,
Boles,	Gerard,	Malloy,	Sarge,
Boney,	Gillan,	Marks,	Sarra,
Boorse,	Gillette,	Maxwell,	Scanlon,
Bower,	Goodwin,	McClanaghan,	Schwab,
Bradley,	Greenwood,	McDermott,	Shafer,
Breth,	Gross,	McDowell,	Shaw,
Bretherick,	Gryskewicz,	McFall,	Shepard,
Brown,	Gyger,	McGrath,	Simons,
Brunner, C H,	Habbyshaw,	McIntosh,	Skale,
Brunner, P A,	Haberlen,	McLanahan,	Snyder,
Burns,	Haines,	McLane,	Sollenberger,
Burris,	Hall,	McMillen,	Sorg,
Cadwalader,	Hamilton,	McSurdy,	Stambaugh,
Chervenak,	Hare,	McIntorre,	Stank,
Chudoff,	Harkins,	Mihm,	Stine,
Cochran,	Harmuth,	McCell,	Stockham,
Cohen, M M,	Harris,	Monks,	Tarr,
Cohen, R E.,	Heatherington,	Mooney,	Tate,
Cook,	Helm,	Moran,	Taylor,
Cooper,	Hering,	Moul,	Thompson E. F.,
Cordier,	Herman,	Muir,	Thompson R. L.,
Corrigan,	Hersch,	Munley,	Turner,
Croop,	Hewitt,	Nagel,	Van Allsburg,
Cullen,	Hirsch,	Nunemacher,	Verona,
Dalrymple,	Holland,	O'Brien,	Vincent,
Dennison,	Huntley,	O'Connor,	Vogt,
DiGerova,	Imbrie,	O'Dare,	Voldow,
Dix,	James,	O'Mullen,	Voorbees,
Dolon,	Jefferson,	O'Neill,	Wagner,
D'Ortona,	Jones, G E.,	Owens,	Watkins,
Duffy,	Jones, P N.,	Petrosky,	Weiss,
Early,	Keenan,	Pettit,	Welsh, E. B.,
Eckels,	Kenehan,	Polaski,	Wilkinson,
Elder,	Kline,	Polen,	Williams,
Elliot,	Knoble,	Powers,	Winnier,
Ely,	Kolankiewicz,	Prosen,	Wolf,
Falkenstein,	Komorowski,	Rank,	Wood, L. H.,
Finestone,	Krise,	Reusch,	Woodring,
Finnerty,	Lee, E. A.,	Readinger,	Wright,
Fisher,	Lee, T. H.,	Reese, D. P.,	Yeakel,
Fiss,	Lelsey,	Reese, R. E.,	Yester,
Fleming,	Leonard,	Regan,	Young,
	Lesko,	Reynolds,	

NAYS—6

McClester, Reagan, Trout, Wood, N.,
McKinney, Rose, W. E., Weingartner,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. D'ORTONA asked and obtained permission for the Special Committee on the Philadelphia Gas Explosion to meet during the session of the House.

BILLS PASSED OVER

There being no objection House Bill No. 1094, Printer's No. 659, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 849, Printer's No. 707, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judgment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition (a) shall set forth the location and description of the real property sold and the name or names of all persons known to petitioner to be or who may be directly or indirectly liable to petitioner or any other person for the payment of the debt for which the judgment was entered

(b) Shall contain a statement of the fair market value of said property and

(c) Shall name as respondents the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner or any other person for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business address of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon each of the persons named therein as respondents at

least ten days prior to the date fixed for hearing At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer the nature and extent of his interest in the proceedings and answering the averments of the petition

Section 4 Said petition may be served by the sheriff of the County or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods the court may direct service by publishing in the legal newspaper of the county and one newspaper of general circulation in the county at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the debt interest and costs but any such failure to name such person in said petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against respondent or respondents named and served

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property sold and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value

If an answer is filed controverting the averment in the petition as to the fair market value of the property but no testimony is produced at the hearing supporting such denial of the fair market value the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debts to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt

If an answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid as distribution on the sale If an answer shall be filed and testimony produced setting forth that the fair market value of the

property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims

After the hearing and the determination by the court of the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the plaintiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid the distribution on the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt

Section 7 The plaintiff or plaintiffs shall file all petitions in accordance with section one and section two of this act not later than six months after the sale of any real property provided however that if the sale occurred prior to the effective date of this act the plaintiff shall file such petition within six months after the effective date of this act In the event no petition is filed within such period the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff or plaintiffs

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except to the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof Any such waiver or release shall be absolutely void unenforceable and of no effect

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein In the event the provisions of this act as applied to the sales of real property held prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that this act then apply only to all sales of real property held after the effective date of this act in the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the legislature that this act do then apply only to obligations created after the effective date of this act

Section 12 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Allmond,	Flynn,	Longo,	Rooney,
Auker,	Foor,	Lovett,	Rose, S.,
Baker,	French,	Lyons,	Rose, W. E.,
Balthaser,	Gallagher,	Malloy,	Rosenfeld,
Baughner,	Gates,	Marks,	Royer,
Bentley,	Gerard,	Maxwell,	Rush,
Bentzel,	Gillan,	McClanaghan,	Sarge,
Boles,	Gillette,	McClester,	Sarrafi,
Boney,	Goodwin,	McDermott,	Scanlon,
Boorse,	Greenwood,	McDowell,	Schwab,
Bower,	Gross,	McFall,	Serrill,
Bradley,	Gryskewicz,	McGrath,	Shaffer,
Breth,	Gyger,	McIntosh,	Shaw,
Bretherick,	Habbyschaw,	McKinney,	Shepard,
Brown,	Haberlen,	McLanahan,	Simons,
Brunner, C. H.,	Haines,	McLane,	Skale,
Brunner, P. A.,	Hall,	McMillen,	Snyder,
Burns,	Hare,	McSurdy,	Sollenberger,
Burtis,	Harkins,	Melchiorre,	Sorg,
Cadwalader,	Harmuth,	Mihm,	Stambaugh,
Chervenak,	Harris,	Modell,	Stank,
Chudoff,	Heatherington,	Monks,	Stine,
Cochran,	Helm,	Mooney,	Stockham,
Cohn, M. M.,	Hering,	Moran,	Tarr,
Cohen, R. E.,	Herman,	Moul,	Tate,
Cook,	Hersch,	Muir,	Taylor,
Cooper,	Hewitt,	Munley,	Thompson, E. F.,
Cordier,	Hirsch,	Nagel,	Thompson, R. L.,
Corrigan,	Holland,	Nunmacher,	Trout,
Croop,	Huntley,	O'Brien,	Turner,
Cullen,	Imbrie,	O'Connor,	Van Allsburg,
Dalrymple,	James,	O'Dare,	Verona,
Dennison,	Jefferson,	O'Mullen,	Vincent,
Digenova,	Jones, G. E.,	O'Neill,	Vogt,
Dix,	Jones, P. N.,	Owens,	Voldow,
Dolon,	Keenan,	Petrosky,	Voorhees,
D'Ortona,	Kenehan,	Pettit,	Wagner,
Duffy,	Kline,	Polaski,	Watkins,
Early,	Knoble,	Polen,	Weingartner,
Eckels,	Kolankiewicz,	Powers,	Weiss,
Elder,	Komorowski,	Prosen,	Welsh, E. B.,
Elliott,	Krise,	Rank,	Wilkinson,
Ely,	Lee, E. A.,	Rausch,	Williams,
Falkenstein,	Lee, T. H.,	Readinger,	Winner,
Finestone,	Leisey,	Reagan,	Wolf,
Finnerty,	Leonard,	Reese, D. P.,	Wood, L. H.,
Fisher,	Lesko,	Reese, R. E.,	Wood, N.,
Fiss,	Levy,	Regan,	Wright,
Fleming,	Leydie,	Reynolds,	Yeakel,
Fletcher,	Lichtenwa'ter	Rhea,	Yester,
		Riley,	Young,

NAYS 1

Woodring,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1444, (Senate Bill No. 315), entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 201

Almond,	Flynn,	Lovett,	Rose, S.,
Auker,	Poor,	Lyons,	Rose, W. E.,
Baker,	French,	Malloy,	Rosenfeld,
Balthaser,	Gallagher,	Marks,	Royer,
Baughner,	Gates,	Maxwell,	Rush,
Bentley,	Gerard,	McClanaghan,	Sarge,
Bentzel,	Gillan,	McClester,	Sarrafi,
Boles,	Gillette,	McDermott,	Scanlon,
Boney,	Goodwin,	McDowell,	Schwab,
Boorse,	Greenwood,	McFall,	Serrill,
Bower,	Gross,	McGrath,	Shaffer,
Bradley,	Gryskewicz,	McIntosh,	Shaw,
Breth,	Gyger,	McKinney,	Shepard,
Bretherick,	Haberien,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Sorg,
Burris,	Harkins,	Mhm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cooper,	Hewitt,	Nagel,	Trout,
Cordier,	Hirsch,	Nunemacher,	Turner,
Corrigan,	Holland,	O'Brien,	Van Allsburg,
Croop,	Huntley,	O'Connor,	Verona,
Cullen,	Imbrie,	O'Dare,	Vincent,
Dalrymple,	James,	O'Mullen,	Vogt,
Dennison,	Jefferson,	O'Neill,	Voldow,
DiGenova,	Jones, G. E.,	Owens,	Voorhees,
Dix,	Jones, P. N.,	Petrosky,	Wagner,
Dolon,	Keenan,	Pettit,	Watkins,
D'Ortona,	Kenehan,	Polaski,	Weingartner,
Duffy,	Kilne,	Polen,	Weiss,
Early,	Knoble,	Powers,	Welsh, E. B.,
Eckels,	Kolankiewicz,	Prosen,	Wilkinson,
Elder,	Komorowski,	Rank,	Williams,
Elliot,	Krise,	Rausch,	Winner,
Ely,	Lee, E. A.,	Readinger,	Wolf,
Falkenstein,	Leo, T. H.,	Reagan,	Wood, L. H.,
Finestone,	Lelsey,	Reese, R. E.,	Wood, N.,
Finnerty,	Leonard,	Regan,	Woodring,
Fisher,	Lesko,	Reynolds,	Wright,
Fiss,	Levy,	Rhea,	Yeakel,
Fleming,	Leydic,	Riley,	Yester,
Fletcher,	Lichtenwalter,	Rooney,	Young,
	Longo,		

NAYS 3

Habbyshaw, Reese, D. P., Taylor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensation for labor or service in certain private employments establishing regular pay days imposing certain duties upon employees conferring powers and duties upon the Department of Labor and Industry and district attorneys imposing additional powers and duties on the secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages imposing civil and criminal penalties for the violation of the act and providing for their collection and disposition and repealing inconsistent legislation

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. PETROSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1210, (Senate Bill No. 24), entitled:

An Act defining and prohibiting unfair sales providing remedies for violations thereof and establishing penalties therefor

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. READINGER. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1526, as follows:

An Act to amend section two hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further prescribing method by which second class townships may be classified as first class townships and providing for the costs and holding of special elections for that purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred seven of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 207 Submission of Question to Voters At the first general or municipal election occurring or at a special election held at least ninety days after the ascertainment by special enrollment or from the United States census including the United States census of one thousand nine hundred and thirty and each subsequent census that any township of the second class has a population of at least three hundred inhabitants to the square mile the question whether such township of the second class shall become a township of the first class shall be submitted to the voters of the township and the county commissioners shall cause to be printed on separated ballots to be used in such township at such election a proper question framed in accordance with the election laws of the Commonwealth A special election for such purpose shall be held on a day to be fixed by the court of quarter sessions of the county upon petition signed by at least five per centum of the registered voters of the township The costs and expenses of such a special election shall be paid by the township

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 204

Allmond,	Foor,	Lovett,	Rose, S.,
Auker,	French,	Lyons,	Rose, W. E.,
Baker,	Gallagher,	Malloy,	Rosenfeld,
Balthaser,	Gates,	Marks,	Royer,
Baughner,	Gerard,	Maxwell,	Rush,
Bentley,	Gillan,	McClanaghan,	Sarge,
Bentzel,	Gillette,	McClester,	Sarraf,
Boles,	Goodwin,	McDermott,	Scanlon,
Boney,	Greenwood,	McDowell,	Schwab,
Boorse,	Gross,	McFall,	Serrill,
Bower,	Gryskewicz,	McGrath,	Shaffer,
Bradley,	Gyger,	McIntosh,	Shaw,
Breth,	Habbyshaw,	McKinney,	Shepard,
Bretherick,	Haberlen,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Sorg,
Burris,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Nunemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	Van Allsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
Dalrymple,	James,	O'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Vogt,
DiGenova,	Jones, G. E.,	Owens,	Voldow,
Dix,	Jones, P. N.,	Petrosky,	Voorhees,
Dolon,	Keenan,	Pettit,	Wagner,
D'Ortona,	Kenahan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Wilkinson,
Elliott,	Krise,	Rausch,	Williams,
Ely,	Lee, E. A.,	Readinger,	Winner,
Falkenstein,	Lee, T. H.,	Reagan,	Wolf,
Finestone,	Leisey,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Leonard,	Reese, R. E.,	Wood, N.,
Fisher,	Lesko,	Regan,	Woodring,
Fiss,	Levy,	Peynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Fletcher,	Lichtenwaiter,	Riley,	Yester,
Flynn,	Longo,	Rooney,	Young,

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 931, as follows:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board of Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county or school districts of the taxes due to vocational school districts and the separate ac-

counting and return thereof and making further provision with reference to the bond of tax collectors.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 800) is hereby further amended to read as follows:

Section 6 The board of directors of vocational schools of each vocational school district shall have power if and when necessary to levy an annual tax [on all property within the district taxable for such school purposes on the assessed valuation used for county tax purposes] not more than three mills on the dollar of the total assessment of all real property assessed and certified for taxation in the territory constituting the district. Said taxes shall be levied and assessed due and payable at the same time and in the same manner as school taxes are levied and assessed and due and payable in the respective school districts and the same shall be included in the school tax item on the tax notice as rendered. The boards of directors shall prepare duplicates of such taxes and provide for the collection of such taxes by issuing warrants to the respective collectors of taxes in each city borough incorporated town and township within the districts. The compensation for the collection of such taxes shall be fixed by the board of directors. In the collection of such taxes the respective tax collectors shall have all the powers of collectors of county taxes. If any collector of taxes shall refuse or neglect to collect such district taxes or for fifteen days after notice so to do neglect or refuse to furnish a bond as herein provided the board of directors shall have power to appoint a tax collector for such district. Each tax collector shall give [a separate] bond annually to the Commonwealth for the use of said district in such amount as the board of directors may fix. Such bond may cover the collection of vocational school district taxes only or may cover the collection of such taxes and the taxes of other political subdivisions that are collected by the same tax collector. The same discounts for prompt payment and the same penalties for delinquency shall apply to such taxes as in the case of county taxes and exonerations of district taxes may be allowed by the directors thereof in the same manner as other taxes are now exonerated. Delinquent taxes of the district may be collected by return and county treasurer's sale thereon or by lein filed in the office of the prothonotary in the same manner as county taxes.

In order to enable the board of directors of vocational schools to assess and levy the annual tax hereby authorized the said board is hereby authorized to enter into suitable arrangements either with the county commissioners or with the various school districts or tax collectors of the municipal subdivisions involved whereby the taxes due to the vocational school district shall be computed and entered for collection purposes in separate columns either in the county or school tax duplicates. The various tax collectors shall make separate accounting and returns covering the taxes due the vocational school districts.

The Commonwealth shall reimburse the vocational school districts herein established in the same manner and to the same extent as is provided by existing law for salaries of teachers transportation and tuition of pupils and any other reimbursement to which school districts are now or shall hereafter be entitled. Provided That any vocational school district [consisting of all the school districts that are under the jurisdiction of the county superintendent] shall be reimbursed to an amount which when added to all other items of reimbursement from the Common-

wealth as provided by law shall total eighty per centum (80%) of the sum expended for approved salaries and travel of the teaching supervisory and administrative staffs for the transportation and tuition of pupils during the previous year and any other reimbursements to which school districts are now or shall hereafter be entitled.

Section 2 This act shall become effective immediately upon final enactment.

An said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Allmond,	Foor,	Lovett,	Rose, S.,
Auker,	French,	Lyons,	Rose, W. E.,
Baker,	Gallagher,	Malloy,	Rosenfeld,
Balthaser,	Gates,	Marks,	Royer,
Baugher,	Gerard,	Maxwell,	Rush,
Bentley,	Gillan,	McClanaghan,	Sarge,
Beutzel,	Gillette,	McClester,	Sarra,
Boles,	Goodwin,	McDermott	Scanlon,
Boney,	Greenwood,	McDowell,	Schwab,
Boorse,	Gross,	McFall,	Serrill,
Bower,	Gryskewicz,	McGrath,	Shaffer,
Bradley,	Gyger,	McIntosh,	Shaw,
Breth,	Habyschaw,	McKinney,	Shepard,
Bretherick,	Haberlen,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Sorg,
Burris,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Nunemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	Van Allsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
Dairymple,	James,	C'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Vogt,
DiGenova,	Jones, G. E.,	Owens,	Voldow,
Dix,	Jones, P. N.,	Petrosky,	Voorhees,
Dolon,	Keenan,	Pettit,	Wagner,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Wilkinson,
Elliott,	Krise,	Rausch,	Williams,
Falkenstein,	Lee, E. A.,	Readinger,	Winner,
Finestone,	Lee, T. H.,	Reagan,	Wolf,
Finnerty,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Fisher,	Leonard,	Reese, R. E.,	Wood, N.,
Fiss,	Lesko,	Regan,	Woodring,
Fleming,	Levy,	Reynolds,	Wright,
Fletcher,	Leydic,	Rhea,	Yeakel,
Flynn,	Lichtenwalter,	Riley,	Yester,
	Longo,	Rooney,	Young,

NAYS—1

Ely,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SAMUEL ROSE.

The House resumed the consideration on third reading of House Bill No. 1166, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May one thousand nine hundred seventeen (Pamphlet Laws, two hundred and eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" further regulating the issuance of permits to conduct pharmacies.

On the question,

Will the House agree to the bill on third reading?

Mr. SAMUEL ROSE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 2), page 2, lines 17 to 25, both inclusive, by striking out all of said lines.

Amend Sec. 1 (Sec. 2), page 3, lines 1 to 8, by striking out all of lines 1 to 7, both inclusive, and the word "character" in line 8, and inserting in lieu thereof:

"Section 2. Upon application, on a form to be prescribed and furnished it, and the payment of a fee of two dollars (\$2.00), the Pennsylvania Board of Pharmacy shall issue a permit to conduct a pharmacy to such persons, associations, copartnerships, or corporations, as the board deems qualified to conduct such business. Qualification to conduct such business shall include such physical requirements as may be established by the board, including stock, equipment, library, sanitation, adequate space, and such other conditions as may be necessary to protect the public safety in the matter of drugs and prescriptions. All applicants shall be citizens of the United States: Provided, however, That in the case of copartnerships, associations and corporations the members or officers of such copartnership, association or corporation shall be citizens of the United States. When the conditions which obtained when the permit was issued have changed, then a new permit must be applied for."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. RUSH

The House resumed the consideration on third reading of House Bill No. 305, entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain condi-

tions upon which the appropriation will be available to the school

On the question,

Will the House agree to the bill on third reading?

Mr. RUSH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The clerk read the amendments as follows:

Amend section 1, page 1, line 3, by inserting after the word "maintenance" the words: "and clothing".

Amend section 1, page 1, lines 4 and 5, by striking out the words and figures "three hundred and fifty dollars (\$350)" and inserting in lieu thereof the following: "three hundred and ninety dollars (\$390)."

Amend section 1, page 1, line 6, by striking out the words and figures "four hundred and twenty thousand dollars (\$420,000)" and inserting in lieu thereof the following: "four hundred and sixty-eight thousand dollars (\$468,000)."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1521, Printer's No. 642, was passed over at the request of The SPEAKER pro tempore.

There being no objection House Bill No. 667 Printer's No. 165 was passed over at the request of Mr. LOVETT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1545, entitled:

An Act to amend section one of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by redefining the term dealer

On the question,

Will the House agree to the bill on third reading?

Mr. MOUL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER pro tempore. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 1), page 2, line 18, by inserting after the word "stores" the following: "or those owning or operating retail grocery stores, and maintaining warehouses or farm product assembly stations in conjunction therewith."

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of the amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1489, as follows:

An Act to amend section six eleven twelve sixteen and twenty-one of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (P. L. 318) entitled "An act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" further regulating the business of dealing in and the transportation and sale of nursery stock coming from without the Commonwealth.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections six eleven twelve sixteen and twenty-one of the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (P. L. 318) entitled "An act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws" are hereby amended to read as follows:

Section 6 The department shall cause to be issued to nurserymen in this State after the nursery stock in their nurseries has been officially inspected as provided in this act and found to be apparently free from any plant pests a certificate of inspection setting forth the fact of such inspection and the number of acres or fraction thereof inspected. Said certificate shall be valid not to exceed one year from October first and shall not be transferable or used to cover uninspected infested or infested nursery stock from any source.

The department shall in addition thereto provide regulations under which nursery stock brought into the Commonwealth may be sold under the above provided certificate and in accordance with the further provisions of this act and it shall be unlawful after the promulgation of such regulations for any person or common carrier to transport nursery stock in violation of the same.

Section 11 Nurserymen dealers or other persons residing or doing business outside the State desiring to solicit orders for nursery stock in the State shall upon filing with the department a certified copy of their original current resident State certificate together with a statement setting forth the exact acreage owned by the applicants and the acreage being grown for them on contract and the payment of the fee to be fixed by the Secretary be entitled to a certificate permitting such persons to solicit orders for nursery stock in this State. The Secretary shall fix and collect a fee from each such applicant in the same amount as the State in which such applicant resides or doing business requires from nurserymen dealers or other persons residing in this Common-

wealth who desire to solicit orders for nursery stock in said State.

Section 12 (a) All nursery agents selling nursery stock or soliciting orders for nursery stock for any nurseryman or dealer located within the State or outside the State shall be required to secure and carry a nursery agent's certificate bearing a copy of the certificate held by the principal. Said agent's certificate shall be issued by the department only to persons authorized by their principal or upon request of their principal and such agent selling or soliciting orders for a nurseryman or dealer located in another state shall pay the same fee for such certificate as a similar agent is required to pay for selling or soliciting orders in such other state for nurserymen or dealers located in this State. Names and addresses of such agents shall not be divulged by the department or any of its agents.

(b) Every person selling nursery stock in the State shall if requested furnish the department with copies of his order forms contracts and agreements with his customers which are furnished for the use of nursery agents or customers or both.

Section 16 In case of nursery stock brought or shipped into the Commonwealth from without the Secretary shall provide by regulation for the acceptance of proper certificates from other states and when so accepted shall issue an official tag designating the fact and nursery stock carrying the same may be reshipped under the certificate above provided for. It shall be unlawful for any person to bring or cause to be brought into the Commonwealth from any other state territory district or country any nursery stock unless there is plainly and legibly marked thereon or affixed thereto or on or to the car or other vehicle carrying or on the bundle package or other container of the same in a conspicuous place a statement or tag or other device showing the names and addresses of the consignor or shipper and the consignee or the person to whom shipped the general nature of the contents together with a certificate of inspection of the proper official of the state territory district or country from which it was brought or shipped showing that such nursery stock was found or believed to be free from plant pests the official tag hereinbefore provided for. In case any nursery stock is shipped or transported into the Commonwealth from another state territory district or country without a valid certificate such official tag plainly affixed as aforesaid the fact must be promptly reported to the department or an inspector by the person carrying the same or the person receiving the same together with the names of the consignor and consignee and the nature of the shipment and such person carrying or receiving such stock shall immediately return such stock to the consignor or shall hold such stock subject to inspection by or instructions from the department and while awaiting such inspection or instruction shall not remove such stock from the original box bundle package or other container. This section shall not be so construed as to affect the action of common carriers in the transportation of nursery stock under the provisions of interstate commerce.

Section 21 Any person copartnership association or corporation violating neglecting or failing to comply with any provision or requirement of this act or any quarantine rule or regulation made or of any notice given pursuant thereto or who shall forge alter counterfeit deface destroy or wrongfully use any permit tag or certificate or copy thereof offered or used in lieu of any original valid permit tag or certificate provided for in this act or in any order rule or regulation made pursuant thereto upon conviction thereof in summary proceeding shall be subject to a fine of not more than one hundred dollars for each offense and in case of nonpayment of said fine and costs to undergo an imprisonment in the county jail of the county in which such conviction takes place for a period of one day for each dollar of fine imposed. Provided That any person so convicted shall have the right of appeal as in other cases of summary conviction. The fines collected under this act shall be paid to the de-

partment and by it shall be paid into the State Treasury through the Department of Revenue.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 204

Allmond,	Flynn,	Longo,	Rooney,
Auker,	Foor,	Lovett,	Rose, S.,
Baker,	French,	Lyons,	Rose, W. E.,
Balthaser,	Gallagher,	Malloy,	Rosenfeld,
Baughner,	Gates,	Marks,	Royer,
Bentley,	Gerard,	Maxwell,	Rush,
Bentzel,	Gillan,	McClanaghan,	Sarge,
Boles,	Gillette,	McClester,	Sarra,
Boney,	Goodwin,	McDermott,	Scanlon,
Boorse,	Greenwood,	McDowell,	Schwab,
Bower,	Gross,	McFall,	Serrill,
Bradley,	Gryskewicz,	McGrath,	Shaffer,
Breth,	Gyger,	McIntosh,	Shaw,
Bretherick,	Habbyshaw,	McKinney,	Shepard,
Brown,	H. berlen,	McLanahan,	Simons,
Brunner, C. H.,	Haines,	McLane,	Skale,
Brunner, P. A.,	Hall,	McMillen,	Snyder,
Burns,	Hamilton,	McSurdy,	Sollenberger,
Burris,	Hare,	Melchiorre,	Sorg,
Cadwalader,	Harkins,	Modell,	Stambaugh,
Chervenkak,	Harmuth,	Monks,	Stank,
Chudoff,	Harris,	Mooney,	Stine,
Cochran,	Heatherington,	Moran,	Stockham,
Cohen, M. M.,	Helm,	Moul,	Tarr,
Cohen, R. E.,	Hering,	Muir,	Tate,
Cook,	Herman,	Munley,	Taylor,
Cooper,	Hersch,	Nagel,	Thompson, E. F.,
Cordier,	Hewitt,	Nunemacher,	Thompson, R. L.,
Corrigan,	Hirsch,	O'Brien,	Trout,
Croop,	Holland,	O'Connor,	Turner,
Cullen,	Huntley,	O'Dare,	Van Allsburg,
Dalrymple,	Imbrie,	O'Mullen,	Verona,
Dennison,	James,	O'Neill,	Vincent,
D'Genova,	Jefferson,	Owens,	Vogt,
Dix,	Jones, G. E.,	Petrofsky,	Voldow,
Dolon,	Jones, P. N.,	Pettit,	Voorhees,
D'Ortona,	Keenan,	Polaski,	Wagner,
Duffy,	Kenehan,	Pien,	Watkins,
Early,	Kline,	Powers,	Weingartner,
Eckels,	Knoble,	Prosen,	Wells,
Elder,	Kolankiewicz,	Rank,	Welsh, E. B.,
Elliott,	Komorowski,	Rausch,	Wilkinson,
Ely,	Krise,	Readinger,	Williams,
Falkenstein,	Lee, E. A.,	Reagan,	Winner,
Finestone,	Lee, T. H.,	Reese, D. P.,	Wolf,
Finnerty,	Leisey,	Reese, R. E.,	Wood, L. H.,
Fisher,	Leonard,	Regan,	Wood, N.,
Fiss,	Lesko,	Reynolds,	Woodring,
Fleming,	Levy,	Rhea,	Wright,
Fletcher,	Leydic,	Riley,	Yeake,
	Lichtenwalter,		Yester,
			Young,

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1350, as follows:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever heretofore real property has been conveyed to any person as "trustee" without naming the cestui que trustent and without declaring the purpose of the trust and such trustee has thereafter in good faith

made a conveyance of such property to a third person in his own name as "trustee" without disclosing the cestuis que trustent or without showing his right to make such conveyance when the deed given by such trustee is otherwise in proper form and capable of conveying the estate intended such deed and conveyance are hereby made good and valid and effectual to transfer pass and convey the estate right title and interest of the cestuis que trustent for whom the trustee held in and to such real property

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 204

Allmona,	Foor,	Lovett,	Rose, S.,
Auker,	French,	Lyons,	Rose, W. E.,
Baker,	Gallagher,	Malloy,	Rosenfeld,
Balthaser,	Gates,	Marks,	Royer,
Baughner,	Gerard,	Maxwell,	Rush,
Bentley,	Gillan,	McClanaghan,	Sarge,
Bentzel,	Gillette,	McClester,	Sarra,
Boles,	Goodwin,	McDermott,	Scanlon,
Boney,	Greenwood,	McDowell,	Schwab,
Boorse,	Gross,	McFall,	Serrill,
Bower,	Gryskewicz,	McGrath,	Shaffer,
Bradley,	Gyger,	McIntosh,	Shaw,
Breth,	Habbyshaw,	McKinney,	Shepard,
Bretherick,	Haberlen,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Sorg,
Burris,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Mulr,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Nunemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	Van Allsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
Dalrymple,	James,	O'Mullen,	Vincent,
Dennison,	Jefferson,	O'Neill,	Vogt,
DiGenova,	Jones, G. E.,	Owens,	Voldow,
Dix,	Jones, P. N.,	Petrosky,	Voorhees,
Dolon,	Keenan,	Pettit,	Wagner,
D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Wilkinson,
Elliott,	Krise,	Rausch,	Williams,
Ely,	Lee, E. A.,	Readinger,	Winnor,
Falkenstein,	Lee, T. H.,	Reagan,	Wolf,
Finestone,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Leonard,	Reese, R. E.,	Wood, N.,
Fisher,	Lesko,	Regan,	Woodring,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Fletcher,	Lichtenwalter,	Riley,	Yester,
Flynn,	Longo,	Rooney,	Young,

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1346, as follows:

An Act designating certain days of each year as Arbor Days and Bird Days one of which shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor each year shall appoint appropriate days to be designated as Arbor Days and shall recommend by proclamation to the people that such days be suitably observed by widespread planting of trees and shrubs and by group and community programs stressing the value and importance of trees and forests

Section 2 One of the days designated as Arbor Day shall be the ninth day of April the birthday of Dr. J T Rothrock as a memorial to the "Father of Forestry in Pennsylvania" except when the ninth day of April falls on Saturday Sunday or Good Friday

Section 3 The week in which the ninth day of April in any year falls shall be designated by the Governor also by proclamation as Conservation Week in Pennsylvania during which week the citizens shall be encouraged to consider through suitable activities the broader subject of the conservation of all the natural resources from which the wealth of the Commonwealth is derived

Section 4 Each day designated and proclaimed as Arbor Day shall be known also as Bird Day and it shall be the duty of every teacher in the public schools of this Commonwealth to devote together with their pupils at least two hours of such school day to the study of birds trees and general conservation of resources and it shall be the duty of all school superintendents within the Commonwealth county or otherwise to see to it that the requirements of this act are complied with

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 203

Allmond,	Flynn,	Lovett,	Rose, S.,
Auker,	Foor,	Lyons,	Rose, W. E.,
Baker,	French,	Malloy,	Rosenfeld,
Balthaser,	Gallagher,	Marks,	Royer,
Baughner,	Gates,	Maxwell,	Rush,
Bentley,	Gerard,	McClanaghan,	Sarge,
Bentzel,	Gillan,	McClester,	Sarra,
Boles,	Gillette,	McDermott,	Scanlon,
Boney,	Goodwin,	McDowell,	Schwab,
Boorse,	Greenwood,	McFall,	Serrill,
Bower,	Gross,	McGrath,	Shaffer,
Bradley,	Gryskewicz,	McIntosh,	Shaw,
Breth,	Gyger,	McKinney,	Shepard,
Bretherick,	Habbyshaw,	McLanahan,	Simons,
Brown,	Haberlen,	McLane,	Skale,
Brunner, C. H.,	Haines,	McMillen,	Snyder,
Brunner, P. A.,	Hall,	McSurdy,	Sollenberger,
Burns,	Hamilton,	Melchiorre,	Sorg,
Burris,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Mulr,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Nunemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	Van Allsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
	James,	O'Mullen,	Vincent,

Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fiss, Fleming, Fletcher,	Jefferson, Jones, G. E., Jones, P. N. Keenan, Kenehan, Kline, Knoble, Kolankiewicz, Komorofski, Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Liss, Leydic, Lichtenwalter, Longo,	O'Neill, Cwens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney,	Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Wilkinson, Williams, Winner, Wolf, Wood, L. H. Wood, N., Woodring, Wright, Yeakel, Yester, Young,
--	---	--	--

NAYS 1

Hare,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1550, (Senate Bill No. 345), entitled:

An Act to amend subsection (a) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 204

Allmond, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Breth, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop,	Flynn, Foor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberlien, Haines, Hall, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley,	Longo, Lovett, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Munley, Nagel, Nunemacher, O'Brien, O'Connor,	Rooney, Rose, S., Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarrafi, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, Van Allsburg,
--	---	--	---

Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, J'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fiss, Fleming, Fletcher,	Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan, Kenehan, Kline, Knoble, Kolankiewicz, Komorofski, Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter,	O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley,	Verona, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Wilkinson, Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Wright, Yeakel, Yester, Young,
---	--	---	--

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1655, (Senate Bill No. 141), entitled,

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 204

Allmond, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Breth, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon,	Flynn, Foor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberlien, Haines, Hall, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Inbrie, James, Jefferson, Jones, G. E., Jones, P. N., Keenan,	Longo, Lovett, Lyons, Malloy, Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Mihm, Modell, Monks, Mooney, Moran, Moul, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit,	Rooney, Rose, S., Rose, W. E., Rosenfeld, Royer, Rush, Sarge, Sarrafi, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, Van Allsburg, Verona, Vincent, Vogt, Voldow, Voorhees, Wagner,
---	---	--	--

D'Ortona,	Kenehan,	Polaski,	Watkins,
Duffy,	Kline,	Polen,	Weingartner,
Early,	Knoble,	Powers,	Weiss,
Eckels,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Elder,	Komorowski,	Rank,	Wilkinson,
Elliott,	Krise,	Rausch,	Williams,
Ely,	Lee, E. A.,	Readinger,	Winnor,
Falkenstein,	Lee, T. H.,	Reagan,	Wolf,
Finestone,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Leonard,	Reese, R. E.,	Wood, N.,
Fisher,	Lesko,	Regan,	Woodring,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhea,	Yeakel,
Fletcher,	Lichtenwalter,	Riley,	Yester,
			Young,

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1548, (Senate Bill No. 223), entitled:

An Act to amend section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for status fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes" changing the effective date of laws affecting budgets of political subdivisions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

YEAS—205

Achterman,	Flynn,	Longo,	Rooney,
Allmond,	Foor,	Lovett,	Rose, S.,
Auker,	French,	Lyons,	Rose, W. E.,
Baker,	Gallagher,	Mallcy,	Rosenfeld,
Balthaser,	Gates,	Marks,	Royer,
Baughner,	Gerard,	Maxwell,	Rush,
Bentley,	Gillan,	McClanaghan,	Sarge,
Bentzel,	Gillette,	McClester,	Sarra,
Boles,	Goodwin,	McDermott,	Scanlon,
Boney,	Greenwood,	McDowell,	Schwab,
Boorse,	Gross,	McFall,	Serrill,
Bower,	Gryskewicz,	McGrath,	Shaffer,
Bradley,	Gyger,	McIntosh,	Shaw,
Breth,	Habbyslaw,	McKinney,	Shepard,
Bretherick,	Haberlen,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, F. A.,	Hamilton,	McSurdy,	Sollenberger,
Burns,	Hare,	Melchiorre,	Sorg,
Burris,	Harkins,	Mihm,	Stambaugh,
Cadwalader,	Harmuth,	Modell,	Stank,
Chervenak,	Harris,	Monks,	Stine,
Chudoff,	Heatherington,	Mooney,	Stockham,
Cochran,	Helm,	Moran,	Tarr,
Cohen, M. M.,	Hering,	Moul,	Tate,
Cohen, R. E.,	Herman,	Muir,	Taylor,
Cook,	Hersch,	Munley,	Thompson, E. F.,
Cooper,	Hewitt,	Nagel,	Thompson, R. L.,
Cordier,	Hirsch,	Nunemacher,	Trout,
Corrigan,	Holland,	O'Brien,	Turner,
Croop,	Huntley,	O'Connor,	Van Allsburg,
Cullen,	Imbrie,	O'Dare,	Verona,
	James,	O'Mullen,	Vincent,

Dalrymple,	Jefferson,	O'Neill,	Vogt,
Dennison,	Jones, G. E.,	Owens,	Voldow,
DiGenova,	Jones, P. N.,	Petrosky,	Voorhees,
Dix,	Keenan,	Pettit,	Wagner,
Dolon,	Kenehan,	Polaski,	Watkins,
D'Ortona,	Kline,	Polen,	Weingartner,
Duffy,	Knoble,	Powers,	Weiss,
Early,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Eckels,	Komorowski,	Rank,	Wilkinson,
Elder,	Krise,	Rausch,	Williams,
Elliott,	Lee, E. A.,	Readinger,	Winnor,
Ely,	Lee, T. H.,	Reagan,	Wolf,
Falkenstein,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Finestone,	Leonard,	Reese, R. E.,	Wood, N.,
Finnerty,	Lesko,	Regan,	Woodring,
Fisher,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,			Young,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendments.

BILL PASSED OVER

There being no objection House Bill No. 1385, (Senate Bill No. 507), Printers No. 292, was passed over at the request of the SPEAKER pro tempore.

RECONSIDERATION OF VOTE ON
SENATE BILL NO. 588

Mr. SKALE. Mr. Speaker, I move that the vote by which House Bill No. 1406, (Senate Bill No. 588), Printer's No. 338, entitled:

An Act to protect the debtors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof either by prescribing the method of fixing the fair market value of such property and limiting the amount collectible hereafter on such judgments.

on page 28 of today's calendar, passed finally be reconsidered.

Mr. RUSH. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Skale vote on final passage of this bill?

Mr. SKALE. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Delaware, Mr. Rush vote on final passage of this bill?

Mr. RUSH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SKALE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SKALE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER pro tempore. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Page 2, line 26, by striking out the word "shall" and insert in lieu thereof the following: "Shall".

Amend Page 7, line 27, by inserting after the word "paid" the following: "at."

Amend Page 10, line 24, by striking out the word "in" and insert in lieu thereof the following "In".

The SPEAKER pro tempore. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. HAINES. Mr. Speaker, I move that House Bill No. 1021, Printers No. 528, together with the communication from the Governor, which was laid on the table May 22, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1021

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1021, Printer's No. 528, for the purpose of amendment.

Accordingly the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HAINES. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. EDWIN A. LEE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Centre, Mr. Haines, vote on the final passage of this bill?

Mr. HAINES. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Edwin A. Lee, vote on the final passage of this bill?

Mr. EDWIN A. LEE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HAINES. Mr. Speaker, I move that the vote by which the bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HAINES. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 617.1), page 2, line 15, by inserting after the word "God" the following: "obsolescence, overcrowding, inadequacy or lack of facilities."

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. HEATHERINGTON. Mr. Speaker, I move that House Bill No. 364, Printers No. 500, together with the communication from the Governor, which was laid on the table May 22, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 364

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 364, Printer's No. 500, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. KEENAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Heatherington, vote on the final passage of this bill?

Mr. HEATHERINGTON. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Alle-

gheny, Mr. Keenan, vote on the final passage of this bill?

Mr. KEENAN. Mr. Speaker, I voted in the majority.

On the question.

Will the House agree to the motion?

It was agreed to.

Mr. HEATHERINGTON. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HEATHERINGTON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1 (Section 1), page 2, line 26 by inserting at the end of the line the following: "or volunteer fire departments."

Amend Section 1 (Section 1), page 3, line 9, by inserting after "panies" and before the word "authorized" the following: "or fire department."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION AND BILL TAKEN FROM TABLE

Mr. SARRAF. Mr. Speaker, I move that House Bill No. 1098, Printers No. 296, together with the communication from the Governor, which was laid on the table May 22, 1941, be taken from the table.

The motion was agreed to.

The communication was read by the Clerk as follows:

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1098

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 22, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1098, Printer's No. 296, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. SARRAF. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. KEENAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Sarraf, vote on the final passage of this bill?

Mr. SARRAF. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Keenan, vote on the final passage of this bill?

Mr. KEENAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SARRAF. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. SARRAF. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2, line 5 of the title, by inserting after the word "to" and before the "provide" the word "further".

Amend page 2, line 5 of the title, by inserting after the word "of" and before the word "the" the following: "and liability for".

Amend page 2, line 7 of the title, by inserting after the word "Court" and before the word "by" the following: "by certain persons and".

Amend page 2, line 8 of the title, by inserting after "strict" and before the word "liability" the following: "or county".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Mr. SHAW asked and obtained unanimous consent to call up out of order House Bill No. 1521, Printers No. 642, on page 31, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1521, as follows:

An Act to amend section two and clause (b) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to

mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two and clause (b) of section four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1089) and by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091) are hereby further amended to read as follows

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money [milk] goods shelter medical care or services provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act and to include also burial for those indigent persons who were receiving assistance at the time of their death

"General Assistance" means assistance provided from or with State funds only to persons entitled under this act to assistance other than dependent children aged persons and blind persons

"Local Board" means any county board of assistance established under the provisions of this act

The masculine pronoun includes the feminine

Section 4 General Powers and Duties of Department of Public Assistance

The Department of Public Assistance shall have the power and its duties shall be

* * * * *

(b) To establish with the approval of the State Board of Public Assistance rules regulations and standards consistent with the law as to eligibility for assistance and as to its nature and extent [Provided however That such rules and regulations shall provide that in any case in which the report of the investigating or interviewing employee shall disclose that there are dependent children of the applicant for assistance or when it shall appear from such report that any other person who is an applicant requires the use of milk for his physical welfare fresh fluid milk shall be provided through orders to milk dealers of the relief recipients' selection holding permits from the State Department of Health and the cost thereof shall be a charge against the allowance awarded to the applicant for assistance]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. D'ORTONA. Mr. Speaker, House Bill 1521 repeals that part of the Assistance Law which compels families on assistance rolls to take, as a part of their grants, one pint of fresh milk each day for each member of the family 16 years of age or under. This law was enacted in 1939 on the pretext that it would help the poor children.

In an effort to beat the law a number of rackets have grown up such as one whereby a person receiving 3 quarts of milk each day and having use for not more than two quarts arranges with the milk driver to deliver two quarts while the family is on relief rolls and the balance to be delivered after the family has left the rolls. Another is the selling of the milk orders for considerably less than the face value. These incidents show the necessity for repeal of this law insofar as they go.

That this law has proved impractical and unenforceable is further shown by the fact that most of the County Assistance Boards and the public-spirited agencies, as well as large numbers of our citizens have petitioned for its repeal. The cost to the Commonwealth for administering this law has been \$360,000 for the biennium while the loss due to Federal non-participation in the program amounts to \$1,080,000 for this period.

The reasons advanced for adoption of this part of the law were plausible, but in reality the law was designed to help certain interests and not the poor children.

Adoption of this provision was really a return to the old commodity relief system abandoned in 1936. We enact laws in order to promote the well-being of our citizens and to prevent rackets. When, as in this case such results are not achieved then such a law should immediately be repealed. I ask this House to support this view and vote for House Bill 1521, thus enabling those on assistance rolls to regain the right to spend their grants to the best advantage.

Mr. ECKELS. Mr. Speaker, in rising to oppose this bill I feel that my remarks should possibly come under the heading of "personal privilege." As many of the Members of this House know I was sponsor of the relief milk act. A barrage of abuse has been leveled at the act and at myself personally, and many misstatements have been made as to the purposes of this act and as to my purpose and intent in introducing the bill, as well as to my statements made in regard to the bill.

If this relief milk act is bad of course, it should be repealed, but I am not satisfied that it is bad. I desire to call attention to the statement contained in the "Rural Legislator" of May 19th, 1941, purporting to be signed by the Chairman of the House Welfare Committee in which it discusses at considerable length this relief milk measure. It says: "Most of the people on relief rolls spend their money in the corner taproom for beer and liquor." I desire to say, Mr. Speaker and Members of the House, that I never made any such statement and I would ask the gentlemen who are responsible for this article to produce the quotation or the statement on my part from which that is alleged to have been a quotation. That does not represent my views and never did. It is my belief and it always has been that most of the people, the great majority of people on relief rolls are honest, conscientious and good citizens of this country who are on those rolls because of misfortune and because of the times which did not enable them to obtain enough to make a living. It was

never my intention to say that most of the people on relief rolls, and I never made such a statement, so spent their money.

I desire to just briefly quote one of the few published statements that I have made in relation to this law which was made at the time the bill was on second reading in 1939, when I was interrogated by Mr. Shaw. This is what I said in relation to the liquor question

"While I don't want to slander or malign anyone who is on relief, because I know we have very worthy people who are on relief at the present time for the reason that they are unfortunate and can't find work, yet I also know that there are a great many others on our relief rolls for the reason that the head of the family, the man who should be taking care of the family, is too lazy and shiftless to do his job, and when he gets his relief check, in a great many instances, he spends it at the corner taproom for whiskey and beer for himself, rather than for milk for his children."

That was my statement at that time. I stand by that statement and I do not retract a single line of it. Those of you who know the internes and nurses or the people connected with hospitals will tell you that those hospitals can tell without reading about it when the relief checks go out, by reason of tremens cases and the alcoholic cases which come into those hospitals. I say that a great deal of the relief funds are misused, but I never said that most of the people on relief do that and I do not believe they do. There has been a great deal said and a great many arguments advanced in regard to this relief milk act but the fact remains and it cannot be answered, and cannot be denied that practically every medical authority in the country says that a growing child, a small child, an infant, needs one quart of milk, not one pint of milk, a day, in order to properly grow and properly develop the bones, muscles, teeth and mind. I could refer you by taking time to many authorities, I could refer you to "Good House-keeping Institute," which fixes one quart as an absolute minimum.

I could refer you to many other cases but the fact remains that prior to the passage of this bill a great many children on relief were not getting a quart of milk, they were not getting a pint of milk, they were not getting any milk per day. It has been said that that act was introduced for the sake of the milk dealers. In "Social Legislation" published by the Public Charities Association of Pennsylvania, it says

"The truth of the matter is that the Bartlett Bill would deprive a small group of milk dealers of a very lucrative source of income which at the present time is made possible because food is being taken out of the mouths of children on relief. The Eckles Milk Act, which we are anxious to have repealed, was not conceived as a measure to improve the nutrition of families, on relief; it was and should be labeled as a bill to provide relief for the milk dealers."

Mr. Speaker, I think having introduced that act and having conceived it, I stated at the time it was under discussion here that the primary object I had in mind was the welfare of children in relief families, and if this object could not be justified, the act could not be justified. I said then and I say now, while it undoubtedly does help the farmer and does help those in the milk business, my primary object was the welfare of the children on relief, and I ask the Members of this House who know me to believe that I am sincere in that statement.

There was a statement made over a year ago by a Dr. Thomas Parran, Surgeon General of the United States

Public Health Service, whose ideas, I believe, are entitled to respect from this House, particularly from the Democratic Members of the House, in which he says

"A new kind of starvation—due to faulty nutrition—is gripping more than one-third of the Nation, Dr. Thomas Parran, Surgeon General of the U. S. Public Health Service said to-day.

Declaring 'More than 40 per cent of the people of the country are not getting a diet adequate to maintain good health and vigor,' he said in a lecture as Massachusetts Institute of Technology that improved nutrition should be recognized as a 'National Problem.'

"The new kind of starvation," said he, "may be even worse in its ultimate social effect than the ancient famines which periodically killed off a large part of the population.

"The foods of which the nation has an apparent surplus he said, 'are those in which the national dietary is deficient—milk and milk products, citrus fruits, green vegetables, and meats.'"

I am not going to prolong this debate. I have heard many arguments against the act which I believe will not hold water. There are one or two arguments against the act which are bona fide but which in my opinion do not balance the benefit that has come from the act. I have letters and I have been interviewed by teachers and by public health nurses and others who have told of the improved conditions they found.

I desire to correct one other thing that has been said tonight, and that is that the law provides that one pint be given a child. The law does not provide the quantity to be given each child. The law merely provides that milk shall be given to children in relief families in instances where milk is needed, and it leaves to the Department of Public Assistance the discretion to say how much milk. I say under this law the Department of Public Assistance has the right to remedy any of the so-called cases of hardship that might occur or might have occurred under this act. If the situation should arise that the quota of the family should be too large the Department of Public Assistance has the right and has the duty to correct that situation.

My attention has been called to the issue of today's Evening Bulletin of Philadelphia on page 8 under the heading "Health Yardstick set up for U. S.," and the yardstick includes, "one pint of milk for an adult and more for a child a serving of meat, of which the cheaper cuts are just as nutritious as the more expensive ones."

Probably there will be something said about the food stamp question. I believe that is unfortunate, and I believe perhaps it could be worked out properly but I do not believe the bad effects of that nearly balances the good effects of this act.

Something will be said about the cost of this relief administration, and I desire to say to you, Mr. Speaker and Members of the House, that I am not concerned very much with that argument, because we spend money on schools, and if by spending money on behalf of these children of families on relief we can assure these children of relief families that they will grow up with decent health in bone and teeth and mind, I say that this money will be well spent. I say to you, Mr. Speaker, that argument is not very effective.

I will not take up any more time because I think all these matters have been gone into very thoroughly and have been well discussed. I simply desire to say, I make no apology for introducing the act. I believe it has done some good and it has helped to give strength. If it has

helped in the growth or has helped in the maturing of some child of a relief family, then I feel it has served a good purpose.

Mr. SHAW. I desire to interrogate the gentleman from Crawford, Mr. Eckels.

The SPEAKER. Will the gentleman from Crawford permit himself to be interrogated?

Mr. ECKELS. I shall, Mr. Speaker.

Mr. SHAW. Will the gentleman from Crawford tell this House whether or not he considers the various county assistance boards are good judges as to the enforcibility and desirability of this law, which they have tried to enforce for the past two years.

Mr. ECKELS. Mr. Speaker, in answer to that question, while I would admit that undoubtedly the Department of Public Assistance should have some knowledge of these things, nevertheless I say that the Department of Public Assistance and the Relief Boards throughout the state were prejudiced for the reason that they opposed this act when it was first passed, and they have consistently opposed it ever since, and have done everything they could to foster a movement to have it repealed. I believe their objections to this bill go to something more and something different than the merits of the bill itself.

Mr. SHAW. Mr. Speaker, is the gentleman from Crawford conversant with the attitude of the various county boards of assistance throughout the Commonwealth?

Mr. ECKELS. Mr. Speaker, in answer to that question, I understand that the majority, that is the great majority, of the boards have expressed themselves as being in favor of the repeal of this bill. I understand that some of them would not go along with that attitude even though considerable pressure was brought to get them to do so.

Mr. SHAW. Mr. Speaker, is the gentleman from Crawford conversant with the fact that a large majority of the public spirited agencies are on record as in favor of the repeal of the Eckels Milk Bill?

Mr. ECKELS. I am not, Mr. Speaker.

Mr. SHAW. That is all, Mr. Speaker.

Mr. FRENCH. Mr. Speaker, according to the best authorities, there is more food value in a quart of milk than anything that we can buy or use of the same bulk. They tell me, and I guess it is true, that milk has a little bit of everything in it that is needed for the benefit of young life, the growth of children or animals or anything else along that line. Now, we all know, and I guess we will agree that there are a few chiselers in anything that is undertaken in any line; we will find chiselers wherever we go. It seems to me that the people who are in favor of the bill that is before us at the present time, and who want to do away with what we know as the Eckels Bill are the ones that would like to get hold of that money in bulk to use it to their own choosing. It is my experience as having been a member of the Poor Board in my County for four years, and I have been up against these things and I know that these people desire to use this money for their own purposes rather than for the children they are raising, and they are willing to let the children do without.

The purpose of the Eckels Bill, as I understand it, is to compel those parents that do not care a "doggone" about their children, to take this milk and give it to their kiddies. If that act is repealed, Mr. Speaker, those children will go hungry and suffer for the want of the very thing

that is needed for their development and growth, both in body and in mind.

I believe the larger proportion of the people who are receiving this milk are mighty glad they are receiving it, and it is only a very few that want to receive this money in bulk to spend for their own benefit or advantage in some other manner.

Another thing, for the last three months or more the Members of this House have been falling all over themselves, Mr. Speaker, in an effort to help the farmers. Now they are talking about doing something that is going to be a detriment to the farmer, something which without a doubt cannot help but pile up a surplus of milk which we have already, and add to the surplus of milk that we have in this State by doing away with the relief milk. It is only adding to the surplus, and in that way it will surely reduce the price of the milk to the farmer if we vote this bill in tonight and vote the Eckels Act out. There isn't much use in our trying to kid the farmer any longer. Here we have a chance to help the farmer and keep down the surplus of milk that he has on his hands, but by voting on this bill favorably it will only increase the surplus to the detriment of the farmers. If we do that we might as well not try to kid the farmers any longer that we are attempting to do anything for them. I suggest that we vote down this bill.

Mr. O'CONNOR. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. D'Ortona.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. D'ORTONA. I will, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the sponsor of this bill what part of the Act of 1939 known as the Eckels bill provides what quantity of milk shall be given each child each day.

Mr. D'ORTONA. Mr. Speaker, I didn't state in my speech that they were supposed to buy a certain quantity, but I know that they cannot buy less than one pint.

Mr. O'CONNOR. Mr. Speaker, I would like to ask the gentleman from Philadelphia what law on the statute books of Pennsylvania today provides what quantity of milk shall be purchased for or supplied to any child whose parents are on relief.

Mr. D'Ortona. Mr. Speaker, in answer to the gentleman I will say this, that they are served a certain amount of milk and that is taken out of their grant. Some families are compelled to buy two quarts of milk.

Mr. O'CONNOR. Mr. Speaker, the gentleman has not answered my question by telling me what law we have in Pennsylvania today that states what quantity of milk, if any, must be purchased or supplied for any child on relief, and that is the question I would like to have answered.

Mr. D'ORTONA. Mr. Speaker, there is no law, but it is a rule under the Eckels Act for the Department of Public Assistance to carry on.

Mr. O'CONNOR. Mr. Speaker, I thank the gentleman, that is all.

Mr. Speaker, on the 22nd day of May, 1939, when I voted for the notorious, world-famous Eckels Milk Bill, I voted for it with a great feeling of pride and satisfaction, that I, as the father of a family, had the opportunity to help my neighbors, not only in my own county, but throughout this Commonwealth, to provide the most

essential food for their children. I wish to state tonight in rising to oppose the present bill that nothing is to be gained to my knowledge by stating that the Eckels Bill provides that a certain quantity of milk must be furnished for each child. To my knowledge, there is no statute in Pennsylvania which requires that. Repealing the Eckels Bill is like cutting off the head of an individual because there is a pimple on his nose. There is no question if we repeal this bill that milk will not be furnished to those who need it, and since we are trying to secure the distribution of the milk to the recipients of relief, it is very evident that the source of the trouble is in the administration of the law.

The Eckels Law does not require a pint or a quart or a glass or any particular quantity of milk to be furnished. The Eckels Law provides for the very humane practice of seeing or making it possible for the proper authorities to provide the milk for the children on relief, and to repeal this bill would be in my opinion a step backward.

I wish to say, Mr. Speaker and Members of this House, that I am very proud of the fact that I stand before you and say that in Cambria County, which I have the honor to represent, no parent, no father, no mother has asked me to vote to repeal the Eckels Bill, and I believe that no honest father of a family will vote to repeal the Eckels Bill. I thank you.

Mr. D'ORTONA. Mr. Speaker, I wish to interrogate the gentleman from Cambria, Mr. O'Connor.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. O'CONNOR. I will, Mr. Speaker.

Mr. D'ORTONA. Mr. Speaker, I would like to ask the gentleman from Cambria whether he would say that his County Board of Assistance is well versed in coming in contact with the relief recipients.

Mr. O'CONNOR. Mr. Speaker, I am glad to say "yes" in response to that question, and state to the gentleman from Philadelphia that they are interested in the distribution of the milk from the financial point of view and not from the necessity of it for the children.

Mr. D'ORTONA. That is all, Mr. Speaker, I wish to bring to the attention of the Members of this House that in Cambria County the Cambria County Board of Assistance adopted the following resolution at a meeting on April 26, 1940:

"Whereas, Many assistance recipients have expressed their objections to this milk program to members of the Board and their staff, and

"Whereas, Upon investigation of these complaints and objections to the milk program by members of the Board and their staff they have found many of these valid and well founded, and

"Whereas, It is unfair exercise of power over the less fortunate members of society in dictating the type and form of milk to be purchased from their assistance grant, and

"Whereas, Many families in normal and better financial circumstances do not habitually purchase this quantity, type, or form of milk, and

"Whereas, Many recipient families are at a loss as to how to cook with fresh whole fluid milk because of the experience and training received from other agencies in planning low budget meals with canned milk and milk substitutes, and

"Whereas, In many assistance families there are no refrigeration facilities available, the excess milk spoils, is unhealthful, and is wasted, and

"Whereas, In some rural sections, deliveries of

milk are irregular and often at a distance from the home, thus exposing the milk to the weather until collected by a member of the family, and

"Whereas, Assistance families could increase their already minimized purchasing power by being permitted to purchase milk in any form they choose, and

"Whereas, This program increases the cost of an already expensive governmental function, defeating the object of economy and providing no additional benefits to the indigent of Pennsylvania in spite of the added administrative cost, therefore

"Be it Resolved, That the Cambria County Board of Assistance respectfully recommends that Act No. 383, approved June 26, 1939, be modified at the earliest session of the General Assembly possible, and

"Be it Further Resolved, That a copy of this resolution be forwarded to the President Pro Tempore of the Senate, Speaker of the House, the Honorable Howard L. Russell, Secretary of the Department of Public Assistance, Senator from Cambria County, Assemblymen from Cambria County, State Board of Assistance, all County Boards of Assistance, and interested charitable agencies."

Now, Mr. Speaker, we have heard arguments pro and con on the repeal of this act. In my first speech here tonight I spoke of the racket that was created by the Eckels Milk Bill, and no man responded to that argument by trying to prove that there was no racket. As far as saying that milk is nutritious, as the gentleman from Cambria, Mr. O'Connor, stated, that no decent father would vote for the repeal of this act, I want to say this, that any decent father does not need a law to compel him to give his son milk. My only reason for introducing this bill at this time is because of the racket that is going on between the people who cannot use milk and the people that sell the milk.

We all love our children, and I do not believe there is any mother or father that I know of that would deprive their children of any type of food that would be of benefit to them. They want this act repealed. I have a record here of every County Board in the state of Pennsylvania, excluding one, Juniata County, and every County Board includes a report as to what they found. We all well know, people that are on relief will not come to any individual and make a complaint, they feel the place to make the complaint is when the visitor visits them at their homes, and I say to the Members of this House, that we as Members, being here to legislate it is up to us to see that laws are enacted so that no rackets can come from them. Therefore, I ask for the support of this bill.

Mr. WOODSIDE. Mr. Speaker, I yield to the gentleman from Cambria, Mr. O'Connor.

Mr. O'CONNOR. Mr. Speaker, I do not believe I used the term "decent parent" in my remarks, and therefore I desire to correct that. I believe the term I used was "honest parent." I am acquainted with the members of the Assistance Board in my own county, nine of them. I praise them for the great job they have done, but I also am not going to stand up here before the membership of this House and say they are infallible because I know they are not. The argument presented to me by those interested in the distribution of milk to recipients of relief in my county is not that milk should not be used and not that there has been a racket,—that term has not been used,—but that they would substitute for the fluid milk which is now being supplied either canned or condensed or powdered milk so that they would eliminate

the waste. That there is waste in the use of milk, no one who has investigated it can deny, by the fact that there has been waste in the distribution is no reason why in my opinion the needy should be denied the right and opportunity and privilege of getting milk, and I therefore ask you to defeat this bill.

Mr. WOODSIDE. Mr. Speaker, I am interested in helping the farmer, I am interested in doing anything that is right to improve their economic condition and I agree with the gentleman from Mifflin, that the passage of this bill is going to be harmful to the farmer. I think this bill contains a principle that extends much further than that. It seems to me that the question to be decided in the passage of this bill is whether we are interested in doing everything in our power to see that the youth of Pennsylvania will grow up to be stronger men and women or whether we are going to be satisfied to let them grow up as many have been growing up in the past, and as it appears today from the defense authorities or growing up without the proper food and proper nutrition.

It seems to me we have this evening before us a matter of primary importance in which we are interested, namely, the health of the boys and girls of Pennsylvania who most need our help. I think we should vote down this bill today. I know these relief boards. I think my own relief board has had a considerable amount of difficulty. My colleague, Mr. Habbyshaw, and I sat down with the board and went over their difficulties with them. I realize that there are certain questions which are difficult in the administration of this bill. I realize there are certain things which are very expensive in connection with the administration of the bill, and because of the difficulty of administration and because of the fact that it is more expensive they are hunting an easy way out and they say "It will be much easier for us if we are able to sit down and send out our checks without bothering with this double bookkeeping and without the trouble of working out this milk distribution." But I say, Mr. Speaker and Members of the House, the easiest way is not always the best way. The various boards in their interest to administer relief as economically as possible, have been hunting the easiest way rather than the best way. I think we all know that a pint of milk is not too much for a child. I think we all realize that except in a very few isolated cases a pint of milk each day per child can very profitably be used by any family. In a few isolated cases where there are difficulties of distribution and there is the necessity to keep the milk over a period of time, it might work some hardship, but it is within the power of the Department of Public Assistance in Harrisburg and particularly the Boards in the various counties to work out a solution.

I know what our Board did. There was one case they pointed out where milk was not distributed within a mile and a half or two miles or a little farther from the party receiving the relief, but they worked out a system that that milk was not given to those who were in that particular situation. If there are such situations, they can be worked out by the Boards under the law, but for this body to go on record and say that the milk we are giving to those children whose parents are on relief is a waste of money and is a waste of effort and is a false move, and I say to you, Members of the House, that is not said with

the interest of the boys and girls of Pennsylvania at heart.

We are entering into a great and important stage in this country. We are interested in the health of the boys and girls of this country. We are finding as we never found before the fact that large numbers of people are not in proper health as the result of not having had proper food, particularly when they were young. So I say, Members of the House, we at this time ought to be careful to do everything in our power to help these boys and girls to be fed properly. I do not believe anybody can seriously contend that they could receive better food than the milk that they would receive under these orders, and therefore, I think that this bill should be defeated.

Mr. REUBEN E. COHEN. Mr. Speaker, like the minority leader, I also feel very, very keenly about those who get milk to preserve their health, and when the minority leader or any other Member of this House can tell me when and where relief recipients will get enough money for shoes, for warm clothes, for proper shelter, for good schools, for all the other things needed to be healthy, for playgrounds and such, I am perfectly willing to be in favor of the principle of buying milk, but unless you can show me where they can get these things necessary for the health of the children of this Commonwealth I am against this sop which is thrown to the poor people of Pennsylvania.

Mr. VINCENT. Mr. Speaker, I have heard a lot of farmers in here, so called farmers, and a lot more too speaking on milk, but I just want to ask all the Members one question, are they considering the poor and also the farmers? When you cut out this relief milk I want to tell you one thing, we have a Milk Control Board, and they classify milk. We have seven different classes under which the farmer sells his milk in this state, and when we cut out the relief milk that goes to these children, we are cutting out hundreds of thousands of gallons of milk that goes to the children and that affects the producers. You farmers beware of what you are doing tonight; you are going to take all of that milk out of class 1 and put it in,—I don't know what class, 6 or 7, and you want to consider what you are doing. When you say that you are giving this milk, that is true, you are giving meat and you are giving potatoes. I have talked to several members in this House and they said they do not believe in forcing on the poor a certain commodity. Why force bread and meat or potatoes? Milk is one of the essential foods. A quart of milk equals a pound of beef steak; a quart of milk equals a dozen eggs. As far as the nutrition of this product is concerned it far surpasses any other food that we are putting on the market.

Therefore, I say to you do not only consider the poor, but consider the poor farmer who is producing this essential food. It may be that this bill, the Eckels bill, is considered a Republican bill, but that doesn't make any difference to me. I want to see the poor getting what is coming to them; I want to see the farmer that must toil from six to six get what is coming to him. Having been a dairyman for the last forty years I know what it is to get up at four o'clock in the morning and milk cows, and I hope every Member in this House will vote against the repeal of this bill.

Mr. LOVETT. Mr. Speaker, I did not intend to speak on this bill. I fought this bill during the last session when the bill was passed. I listened to the debate this evening

on this particular bill, and I have commenced to wonder who is on relief. Maybe it is the farmers we should put on relief and take the other people off, because it seems to me we are fighting here to protect the farmers in this particular piece of legislation.

I said when this bill was passed that the farmers wouldn't get any more money for their milk than they did before. I still feel the same, that if you repeal the bill the farmers will never notice any difference. I rise to support this bill because I think it is wrong that we should ask any people, regardless of whether they are on relief or not, to except milk or any other commodity. I feel that the relief money should be given to the people on relief. I feel that the fathers and mothers of the state are capable of buying milk for their children if they are in need of it. I feel that the principle is wrong when we legislate that people on relief must take a certain quantity of milk anymore than we legislate any other commodity. Therefore I ask for the support of this bill.

Mr. HOLLAND. Mr. Speaker, we have listened to a lot of figures tonight. It costs \$360,000 for administration expenses. We lose a million and a half of Federal grants, the relief recipient loses a considerable amount of money in not being able to use the purchasing power in the surplus food orders. When we add it all up, we see that it would come close to around four or five million dollars that it might be said must be spent to give a pint of milk to a relief recipient. I believe that brings the cost of a pint of milk up to a very exorbitant price, and I would suggest to the Members of this House who are farmers, the Members who are interested in the relief recipients, that with that four million dollars I could buy enough cows to give all the people in Pennsylvania milk free.

Mr. TURNER. Mr. Speaker, I am amazed at the statements coming from some of the gentlemen in this House, counting the cost of the distribution of this milk, and the cost of the milk itself for the benefit of the children of Pennsylvania. I have listened for a number of years to many statements that we are putting property rights above human rights, that when human rights are being effected, we are counting the dollars rather than human rights. Yet here is one of the very fundamental things, because if these children are going to get this milk, then it seems to me the people on relief would not be complaining because no one can say whether the law provides or whether the law does not provide that milk shall be given. No one can say that a pint of milk a day is too much milk for any child.

You are talking now about spending some twelve million dollars by the state for the care of the insane; you are talking about the spending of hundreds of thousands of dollars by our school districts to supply milk for the underprivileged and undernourished children in our schools. The Federal Government is spending millions of dollars upon health campaigns; you are going into all kinds of regulation of business; you are getting down into the intimate details of administration of business. Yet here is something that vitally affects the future citizens of Pennsylvania, that vitally affects the administrative cost of our homes and hospitals and affects perhaps some of the costs of the county hospitals for accomplishing something that will raise our children, the children of Pennsylvania to be healthy children in the future and not charges upon the State; that will make them citizens able

to take their place in the workshop and in industry and business of the Commonwealth, something that is going to help them do that. Yet you are here talking about the cost; you are here talking about the difficulties of administration; you are here talking about forcing something on our population, but we are supporting that part of the population, and we as citizens of Pennsylvania and taxpayers, I will say to the gentleman from Westmoreland, have a right to say to those people who are receiving relief from Pennsylvania, paid for out of the taxpayers money, —we have a right to say "You shall feed your children that which will make them stronger in the future, that which will enable them to advance in their schools and absorb the learning that is extended to them."

We say the children of the Commonwealth must go to school until they reach a certain age; we say they must remain until they reach a certain status in our schools and we say other things pertaining to the children of the Commonwealth. The Department of Welfare and the Child Welfare Department of the federal government are taking a great interest in our children. Our state government and departments of our state government are taking a great interest in the children who are under-privileged and under-nourished, and we are saying to the people of Pennsylvania on relief, "We are giving you this milk in order to insure that the children of the people who are on relief shall receive what is proper."

Who cannot count the cost. What if the cost is \$2,-000,000! Who can count the benefit to the children of Pennsylvania in dollars and cents. I am surprised that here in this House there should be a bill presented that would wipe out this benefit to the children, and that we should count the cost of administration, or that we should count the difficulties of administration, or that we should be concerned with the question of whether we are going to inconvenience some people and say perhaps they ought to have the right to buy what they want. You go out in the country where there are large gatherings, where there are a lot of children, and see some of the things that are fed to our children at times. Lots of our fathers and mothers need to have education forced upon them, because we have a stake in the children and we have a right to demand it because the future of Pennsylvania, the future of the nation, the future of democracy and the future of the world is dependent upon the kind of children we raise.

Mr. LOVETT. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, does the gentleman from Delaware think that children live on milk alone?

Mr. TURNER. No, I know they do not, Mr. Speaker. I have raised five.

Mr. LOVETT. If the gentleman thinks, Mr. Speaker, that if they do not live on milk alone, does he not think there are other commodities they should have?

Mr. TURNER. I do think that there are other commodities they should get, but I think of all commodities milk is the most essential and will supply most of the food values that they should receive. I would rather see my children drink milk in large quantities, even after they have grown up.

Mr. LOVETT. Does the gentleman believe, Mr. Speaker, in having the Department of Public Assistance supply the other commodities?

Mr. TURNER. That question, Mr. Speaker, was passed on a long time ago, because it seems to be the policy of those administering relief and those passing the laws that we should get away from the distribution of food. I don't know, but I think at times there are some reasons why we should supply certain kinds of food in order that our people should have a certain kind of nourishing food.

Mr. LOVETT. If the gentleman felt that way about it, Mr. Speaker, then two years ago why did he not vote that way and have the relief boards supply all kinds of commodities?

Mr. TURNER. Mr. Speaker, I did not change it two years ago. It was changed longer ago than that. It was changed in the Democratic administration.

Mr. LOVETT. Mr. Speaker, it was two years ago that we introduced the Eckles Milk Bill.

Mr. TURNER. That is a different proposition, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, at the same time they supply milk, does the gentleman not think that it would be proper for them to supply other commodities?

Mr. TURNER. Mr. Speaker, I think the gentleman and I could get into a long debate as to food and other commodities. At the start we undertook to supply food and other things, but after that they supplied money, mostly because of the agitation of the people getting food orders and because of the cost of administration on the part of those administering relief.

Mr. LOVETT. Mr. Speaker, does not the gentleman think that was a good thing?

Mr. TURNER. What was a good thing, Mr. Speaker?

Mr. LOVETT. To supply them with relief checks and let them buy their own, Mr. Speaker.

Mr. TURNER. I would say, Mr. Speaker, outside of the complications that might arise, there may be many times when it might be well for us to supply food. The Federal Government supplies food.

Mr. LOVETT. They do, Mr. Speaker, but it does not come out of the relief checks.

Mr. TURNER. That is a different proposition, that is in addition to it.

Mr. LOVETT. Well, Mr. Speaker, I am certainly willing to give them all the food requirements.

Mr. TURNER. Oh no, Mr. Speaker, milk contains so many of the elements that are necessary that if they get milk they do not need a lot of other kinds of food.

Mr. LOVETT. Mr. Speaker, I did not raise the question of cost particularly. I stressed the idea of forcing any commodity on relief recipients as being wrong. If we want to educate our people, if we want to teach our people that milk is good for them, let us put on a campaign, but let us not through the Department of Public Assistance say to the individual family on relief, "You must use so much milk." Now, that is the point I raised, that the principle is wrong, and we therefore should repeal this bill and educate the people that milk is good for them and that they should buy it out of their relief checks.

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman from Delaware tell me whether or not the question of supplying milk relief recipients was a subject of study by the Joint State Government Commission in the past two years?

Mr. TURNER. It came up in the study on relief. It was discussed in reference to that subject, yes.

Mr. REUBEN E. COHEN. And does the gentleman recall, Mr. Speaker, what the recommendation was of the State Government Commission with regard to that subject?

Mr. TURNER. Mr. Speaker, I don't remember exactly what the Commission did say on relief milk. It is my recollection that there was no special recommendation on that subject.

Mr. REUBEN E. COHEN. May I suggest to the gentleman, Mr. Speaker, that the recommendation of the Joint State Government Commission was that the distribution of milk to relief recipients was wrong economically, and was wrong in every other respect and the recommendation was that the Eckels Milk Bill be repealed? Would the gentleman not state that that is so according to the report of the Joint State Government Commission?

Mr. TURNER. My recollection, Mr. Speaker, is that the Joint State Government Commission felt that there might be some variation in order to take care of the hard cases but I recollect no such recommendation as the gentleman states.

Mr. REUBEN E. COHEN. Mr. Speaker, will the gentleman make an agreement with me that at some future time we will pore over the report of the Joint State Government Commission and if either of us finds he is wrong he will make such a statement on the floor?

Mr. TURNER. Absolutely, Mr. Speaker, I will always make such a statement, and if that recommendation is as the gentleman states I will say that I was wrong then and that I am right now.

Mr. BROWN. Mr. Speaker, it is absolutely unnecessary to prolong the debate, but I do want to challenge the thought as I gather it from some of the remarks of my learned friend, the gentleman from Delaware, Mr. Turner. In the 1939 Session I opposed the Eckels Milk Bill. In the 1940 Special Session I presented a bill to repeal the Eckels Milk Bill. I have taken no part in the discussion tonight, but I would like to call to the attention of the members the very thing in this bill which should defeat it, and that is the question of class legislation. I say class legislation because it applies only to those who are on relief. It is true, as the gentleman from Delaware says, we are compelling children to go to school; we are compelling all of the children to go to school. There is a vast difference between legislation by this House or any other body that compels all of the people to do one thing and another Law that compels certain people to do another thing. This bill is undemocratic; it is unscientific; it compels a person to buy a certain amount of milk because he is on relief and only because he is on relief. If you can pass legislation of this kind you can compel people on relief to wear a certain shirt, to wear certain shoes, to live in a certain house. We may have the power

should have no part in a free House of Representatives.

Mr. D'ORTONA. Mr. Speaker, I do not wish to prolong this argument, but there were a few remarks made by the gentleman from Delaware, Mr. Turner, which I would like to answer. As long as I have been in this House, since January, this has been the first time I have heard they were not worrying about the cost of money, after their cry about economy. I want to say that every member who opposed this bill brought up the question that children needed milk, and they were all worrying about the children. I wonder when this bill was passed in 1939 whether they were worrying about the children, to see that they received milk so that they could grow up and be good children and healthy children for this nation, and whether they ever gave it a thought that in compelling these people to buy their milk they might raise their relief grants and force them to buy milk. I know that some of the people who have been worrying about these children who are receiving milk and who want them to be helped by House Bill 1401, when we desired to give the parents of these children the right to go out and earn a few extra dollars so they could feed their children a lot better to make them healthy, they opposed the bill. Now they want the parents to feed these children with their own money. In 1939 the Department of Public Assistance gave a certain grant to a family and after they forced them to buy milk, they still received the same grant and took the amount of money for the milk from the grant they gave them. Yes, we can feed them, and we can say, "You must give your children milk; you pay for it." I say if they want to give them milk, let the Department of Public Assistance pay for it, if they are not worrying about the cost.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken, Messrs. Woodside, Snyder and Taylor asked for a verification of the roll. The roll was verified and was as follows:

YEAS—116

Achterman,	Elliott,	Malloy,	Rose, S.,
Allmond,	Falkenstein,	Marks,	Rose, W. E.,
Baker,	Finestone,	McClanaghan,	Rosenfeld,
Balthaser,	Finnerty,	McDermott,	Rush,
Bentley,	Fleming,	McFall,	Sarraff,
Bentzel,	Gerard,	McLanahan,	Scanlon,
Boles,	Goodwin,	McLane,	Schwab,
Boney,	Gross,	Melchiorre,	Shaffer,
Bradley,	Gryskewicz,	Mihm,	Shaw,
Breth,	Hamilton,	Modell,	Skale,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harmuth,	Mooney,	Tarr,
Brunner, P. A.,	Harris,	Moran,	Tate,
Burns,	Heatherington,	Munley,	Thompson, E. F.,
Chervenak,	Hering,	Nagel,	Thompson, R. L.,
Chudoff,	Herman,	O'Brien,	Verona,
Cochran,	Hersch,	O'Mullen,	Vogt,
Cohen, M. M.,	Holland,	O'Neill,	Vollow,
Cohen, R. E.,	Jefferson,	Pettit,	Wells,
Cooper,	Jones, P. N.,	Polaski,	Welsh, E. E.,
Cordier,	Keenan,	Polen,	Wilkinson,
Corrigan,	Kenehan,	Powers,	Williams,
Cullen,	Kolankiewicz,	Prosen,	Wolf,
DiGenova,	Komorowski,	Rausch,	Woodring,
Dolon,	Leonard,	Readinger,	Wright,
D'Ortona,	Lesko,	Reese, R. E.,	Yester,
Duffy,	Levy,	Regan,	Young,
Early,	Leydic,	Reynolds,	Kilroy,
Elder,	Longo,	Rhea,	
	Lovett,	Rooney,	

Speaker.

NAYS—78

Auker,	Gillette,	Lyons,	Simons,
--------	-----------	--------	---------

Boorse,	Greenwood,	McClester,	Snyder,
Bower,	Gyger,	McDowell,	Sollenberger,
Bretherick,	Habbyshaw,	McGrath,	Sorg,
Burris,	Haberlen,	McIntosh,	Stambaugh,
Cadwalader,	Haines,	McKinney,	Stockham,
Cook,	Hall,	McMillen,	Taylor,
Croop,	Hare,	McSurdy,	Trout,
Dalrymple,	Helm,	Muir,	Turner,
Dennison,	Hewitt,	Nunemacher,	Van Allsburg,
Dix,	Hirsch,	O'Connor,	Vincent,
Eckels,	Huntley,	O'Dare,	Voorhees,
Ely,	Imbrie,	Owens,	Wagner,
Fiss,	James,	Rank,	Watkins,
Fletcher,	Jones, G. E.,	Reagan,	Weingartner,
Flynn,	Kline,	Reese, D. P.,	Wood, L. H.,
Foor,	Knoble,	Riley,	Wood, N.,
French,	Lee, E. A.,	Royer,	Woodside,
Gates,	Lee, T. H.,	Serrill,	Yeakel,
Gillan,	Lelsey,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BRETH.

The House resumed the consideration on final passage of House Bill No. 891, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses and eliminating the power of justices of the peace, magistrates, and notaries public to receive applications therefor.

RECONSIDERATION OF VOTE

Mr. BRETH. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. COCHRAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Clearfield, Mr. Breth, vote on the third reading of this bill?

Mr. BRETH. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Fayette, Mr. Cochran vote on the third reading of this bill?

Mr. COCHRAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. BRETH. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. BRETH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 7 of title, by inserting after the word "hunters" the following: "and."

Amend title, page 1, line 9 to 11 of title, by striking out the following "and eliminating the power of" in line 9, all of lines 10 and 11.

Amend Sec. 1 (Sec. 302), page 2, lines 20 and 23, by striking out the light-face bracket before the word "or" in line 20, and after the word "authorized" in line 23.

Amend Sec. 3 (Sec. 305), page 7, lines 2 and 4, by striking out the light-face bracket before the word "for" in line 2, and after the part-word "tions" in line 4.

Amend Sec. 5, page 9, lines 1 and 2, by striking out all of said lines.

Amend Sec. 6, page 9, line 3, by striking out the figure "6" and inserting in lieu thereof: "5."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and received unanimous consent to address the House.

Mr. Speaker, This evening this House passed on first reading the General Appropriation Bill, and in connection with that bill I desire on behalf of the Appropriation Committee to make a report of our studies, and at the same time read a prepared statement with relation to that report.

On the third day of February last, Governor James delivered to this General Assembly his Budget Message for the fiscal biennium June 1, 1941 to May 31, 1943, with the account of the revenues which he estimated would be collected.

We believed then, and as a consequence of our investigations have confirmed that belief, that these estimates of revenue were not arrived at as a result of the application of any accepted formula, rule, or method upon which future incomes can accurately be gauged.

Having determined this fact, the majority in the House of Representatives and the minority in the Senate pledged themselves to a thorough and intensive study in order that they might determine the amount which logically can be expected in the form of revenue for the biennium June 1, 1941 to May 31, 1943.

Inasmuch as the Budget Office has no acceptable formula for estimating revenues we were obliged to determine our own yardstick of projection in order to scientifically measure the future amounts to be received from Normal Taxes, Bonus, Licenses and Fees, Miscellaneous Revenues, and Emergency Taxes. There can be no question of the soundness of the system we adopted and which I now outline:

First, an examination of the records for the past ten years shows that the income of the State of Pennsylvania bears an average ratio of 8.2 per cent to the National Income.

Secondly, it has been estimated by the fiscal authorities of the United States Government that the National income for the year 1941 will amount to \$90,000,000,000,

Thirdly, the application of the fixed factor of 8.2 per cent to the estimated National income of \$90,000,000,000 in 1941 gives conclusive evidence that the State income for that year will amount to approximately \$7,380,000,000.

Fourth, a comparison of this estimated income for Pennsylvania for the year 1941 to the known income for 1940 which amounted to \$6,036,000,000 shows a 21 per cent increase.

Having determined by this method the factors upon which can be based increased revenues in the Commonwealth of Pennsylvania for the fiscal years 1941-1943, we made a close study of the actual receipts for the present and past fiscal years in order to determine which revenues remain static.

We also determined those receipts which show a normal, steady year by year growth and applied to them the factor of 7.7 per cent increase, which is based on the average for the seven years from 1933 to 1940.

Having thus determined all the factors which can properly be taken into consideration, in order to arrive at a correct estimate of tax revenue for the next biennium, we applied these formulas to the respective taxes affected and determined the following results:

That the Commonwealth of Pennsylvania will receive in Normal Taxes, for the biennium 1941-1943, the sum of \$174,609,944 or an amount \$8,933,344 greater than the estimate for these same revenues contained in the Governor's Budget message.

That through Special Emergency Taxes the Commonwealth will receive, for the biennium 1941-1943, the sum of \$192,131,624 or an amount \$7,556,124 greater than the estimated revenue from this source contained in the Governor's Budget Message.

It is to be noted here that these figures represent income estimated for the coming biennium after the reduction in taxes later herein referred to.

From Liquor Store profits we estimate that during the coming biennium the Commonwealth will receive the sum of \$40,000,000 an increase of \$4,000,000 over the estimate contained in the Governor's Budget Message, after allowance has been made for certain increases of salaries to employees.

It is thus disclosed that for the biennium 1941-1943 the Commonwealth's income will approximate \$427,598,510 or \$14,202,153 in excess of the sum estimated in the Governor's Budget Message.

With these facts and figures before us, the conclusion must be drawn that there is no honest reason or necessity for the acquiescence of the Legislature in the Governor's request for postponement of additional aid to the school districts of the Commonwealth approved by previous Sessions of the Legislature; namely:

Act 485, July 1, 1937, which provides for the State's payment of the cost of Supervisors of Special Education in the various school districts of the Commonwealth. We, therefore, recommend an appropriation in the amount of \$200,410 to carry out the provisions of this act, for the coming biennium.

Act 483, July 1, 1937, which provides for the State's payment of transportation costs for students in various school districts of the Commonwealth. We, therefore, recommend an appropriation of \$1,729,500 for this purpose during the coming biennium.

Act 141, May 7, 1937, which provides for the State's payment of the cost of education in high schools of students resident in districts where high schools are not operated. We, therefore, recommend an appropriation of \$4,388,280 for this purpose during the coming biennium.

The Governor's request for further postponement of the

assumption by the Commonwealth of responsibility for the care and maintenance of the insane, feeble minded, and epileptic, raises one of the most important questions with which this Commonwealth has been faced during the past decade. Every authority, not only in Pennsylvania but throughout the Country, is in agreement that the responsibility for the maintenance of the insane, feeble minded, and epileptics is properly that of the State. Were we to acquiesce in the Governor's request for a further postponement of the State's assumption of this obligation, we would deliberately contribute to the continuance of a policy which fails to provide maximum opportunity for recovery where possible of those mentally ill, and the maximum care of those most unfortunate citizens of our State who are destined to be so stricken all the days of their lives.

We have, therefore, determined that not only is it financially possible for the State to carry out this obligation but it would be gross neglect were we to do otherwise. We, therefore, make the following recommendation:

Act 21, approved September 29, 1938, which provides for the assumption of control by the State of County Mental Institutions now existent, shall be made effective as of the first day of the biennium. We have provided \$6,100,000 to cover the cost thereof. The State, however, as a result of the above expenditures, will save the sum of \$2,545,000.

Act 25, approved October 1, 1938, which relieves counties of the responsibility for contributing to the maintenance of indigent, feeble minded, and epileptics in State institutions, shall also be made effective as of the first day of the biennium. This will effect a great saving to the taxpayers in very one of the sixty-seven counties of the State, and will cost the State the sum of \$6,500,000 as a result of the loss of income in Institutional Reimbursement collections from counties.

May I digress for a moment from my prepared statement in that particular. To advise the House that today a representative of the Department of Welfare told me that their department is now resigned to the acceptance of this responsibility. A responsibility, Mr. Speaker, that the Democratic Party has forced the Republican administration to acknowledge.

Having provided adequately for the assumption by the Commonwealth of those duties which are a proper charge against the State, we have determined that it is still possible at this time to reduce the tax burden. After careful study we arrived at the conclusion that the first tax to which a reduction should be applied, on the basis of making the taxes in the Commonwealth more equitable, is the elimination, where possible, of taxes now levied on non-revenue producing property. We, therefore, provided a reduction of 25% in the state personal property tax and the related tax on Shares of banks and trust companies, thereby effecting a saving of \$7,650,000 to the taxpayers of the Commonwealth during the coming biennium.

During the Special Session of 1940, the Legislature borrowed \$59,550,000 from Special Funds. To this was added \$6,400,000 in February, 1941, and \$4,150,000 in April, 1941, making a total of \$70,100,000 which must be repaid by June 30, 1941. We have made provision in our budget for repaying these Special Fund borrowings.

The total appropriations recommended by us for the 1941-1943 biennium amount to \$355,085,436.50. While this reflects an increase of \$12,593,029 over the appropriations

recommended by the Governor, it includes the cost of taking over the mental institutions and the additional aid to school districts previously outlined.

We do this because we feel that even though this is increased spending, it appears to be a sounder method of financing to make adequate provision from the beginning and to maintain a balanced budget than short-change appropriations in the name of so-called economy which in effect is false, because it would require deficiency appropriations at later sessions.

During the past few months we have sought and received the cooperation of the secretaries of the various departments, commissions and bureaus of the State and to them we desire to express our thanks. Their assistance, except in a few instances, has been of considerable help in aiding us to ascertain the adequate provisions which would be necessary for State needs consistent with good government.

Attached to the statement, Mr. Speaker, we have outlined in detail our budget recommendations as well as our analysis of receipts and revenue. The entire statement, Mr. Speaker, I ask to be made a part of the official record of this House.

The SPEAKER. The report on the budget presented by the Committee on Appropriations will be noted in the Journals of the House and printed in the appendix to the Legislative Journal, as requested by the chairman of the Appropriations Committee, Mr. Achterman.

Copies of this report are available, have been distributed and placed upon the desks of all the Members.

TIME EXTENDED ON BILL

Mr. ACHTERMAN. Mr. Speaker, I move that the time on House Bill No. 709, Printer's No. 456, entitled:

An Act to further amend section four hundred and twelve of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further defining the sales of malt or brewed beverages

on page 29 of today's Calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, after sixteen weeks with the budget we now have the suggestions made by the Democratic Party. I am not going to attempt to go over many of the items

tonight, because I know that the hour is late and I haven't had an opportunity to examine the budget in any detail.

I do want to call your attention, however, to the fourth paragraph in the gentleman's statement, in which he refers to the fact that "inasmuch as the budget office has no acceptable formula for estimating revenues we are obliged"—etc. May I again call to the confused gentleman that the budget office does not make the estimate of revenues and that under the laws of the Commonwealth of Pennsylvania there is only one official estimate of revenues upon which the Auditor General can pass and check and that is the Department of Revenue.

Mr. Speaker, I would like to make reference to just two or three estimates of taxes contained in the budget which have not been previously referred to in the debate on the floor of the House. Let us take for example the corporate loan tax, and we find that the original figure in the budget estimate was \$5,250,000, and the New Deal estimate, \$6,150,000.

Now, what does the record show about the figure that the gentleman submitted? They show that in 1938 the amount received by the Commonwealth was \$3,300,000; in 1939 it was \$2,900,000 and in 1940 \$2,700,000; and in 1941 it was \$2,600,000, and yet they say that in spite of that trend we are now going to receive a lot more money.

Let us look at the transfer inheritance tax. The transfer inheritance tax in the 1935-1937 biennium was \$34,682,000. In 1937-1939 it went up to \$47,953,000. Of course all of us acquainted with the budget know that the reason for that was that it was the time that the twelve million dollars plus of the Mellon Estate came into the transfer inheritance tax fund, so that the amount used in the budget was thirty-five million dollars, the same as in the present biennium. But what happened to that item? In spite of an estimate of thirty-five million dollars plus we will receive in the end of the biennium how much? Over \$5,500,000 less than the estimate of \$33,675,000, and in spite of that official estimate, and in spite of the knowledge that we were going to be \$5,500,000 short, their figure was \$43,217,000, the gentleman with the knowledge that the sum was \$5,500,000 too high for this estimate, turns around and increases that estimate to \$43,000,000 plus.

What did New York State do? They are comparable to Pennsylvania; they make an intelligent attempt to estimate their budget,—what do they do?

For 1940, and by that I mean the year ending June 30, their estimate was \$27,900,000. In 1941, \$25,000,000, and in 1942 the New York state estimate was the same? No. Was it more? Certainly not, it was \$24,000,000.

Now, what does the Federal Government record show in that regard? They show in 1938 \$382,000,000; in 1939 \$332,000,000, in 1940 \$330,000,000 and in 1941 \$317,000,000.

I think the gentlemen of this House know that there are no longer any real large estates in the Commonwealth of Pennsylvania. It is very likely that there will not again in the history of the Commonwealth of Pennsylvania, or at least in our time, be a transfer inheritance tax payment of over \$5,000,000, and yet in spite of all this experience, in spite of that six months additional information, which the gentleman have got and ought to be able to use to arrive at a just estimate, in spite of the decreasing revenues they have increased the estimate of revenues.

Mr. Speaker, just one more point, let us take the personal property tax, and what has experience shown on

that? It has shown that in 1938 there was \$11,900,000; in 1939 there was \$12,100,000; in 1940 it was down again to \$11,500,000 and in 1941 it was \$11,000,000 or \$2,500,000 short of what it was believed would be realized when this budget was made up.

All this experience at the time when the gentleman on the other side had the budget has indicated that the amount of revenue received from the personal property tax will be less than what was estimated at that time, and specifically less because not only has the amount realized as of January 1st of this year been \$2,500,000 less than it was expected to be, but the stock market has gone down approximately 16 per cent from the day the estimates were made to the present time. So that every bit of experience that has been accumulated from the time the Governor's budget was given to the time of the New Deal estimate given here today would indicate that the estimates made by the Governor were not too high but were in fact too low, but there is no indication that the other side on these taxes or any other took into consideration the experiences which have occurred during this period, nor have they adjusted their tax estimate in accordance with those experiences.

PERMISSION TO ADDRESS HOUSE

Mr. REUBEN E. COHEN asked and obtained unanimous consent to address the House.

Mr. Speaker, after the interrogation a short while ago I promised the gentleman from Delaware, Mr. Turner and the Members of the House that the truth should be known. I have before me the corpus delicti, the report on relief prepared by the Joint State Government Commission and published in January 1941. Page 81 reads as follows:—this comes after recommendations of the State Government Commission on Milk Orders:

"The cost of the milk program should also be considered by the legislature. Under the existing laws and regulations which require that every child under sixteen for which state aid is provided receive a pint of milk per day, the state's monthly milk bill amounts to approximately \$375,000. There are other factors that also should be considered. Members of county boards complain that in some cases the granting of milk has become nothing more than a milk graft by some companies. It was also shown that many recipients of milk trade or sell the milk for other commodities or money. However, in thousands of cases the result of the operation of this law has been to build healthier children. This is an important factor, as the Federal Government pays no part of the cost of milk grants, whereas similar grants in cash would be borne by both the State and the Federal Government on all A. D. C. Cases, thereby reducing in some measure Pennsylvania's overall cost for relief."

I will refer to the recommendations on page "V" under section "C".

"Consideration should be given to amending the milk order law enacted in 1939 to meet valid objections. However, it is imperative that children of families on relief should receive an adequate supply of milk.

Mr. Speaker and gentlemen of the House, in all fairness to the gentleman I thought I should read this statement which I think refutes in some measure his statement and substantiates the statement I made.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I desire to thank the gentleman for his very fair action in reading from the reports. What he has read there exactly carries out what I said on the floor of the House in answer to his interrogation, that my recollection was that the Commission felt that there should be some amendment or change to meet the objections, and to meet some of the things that might be considered expensive. In other words as I recall the investigation on that subject, when it came before the Commission we felt that perhaps in some instances the order that provided for a pint of milk to every child in a family, where the family was large and under certain conditions might not work out, might be an arbitrary rule, some changes are necessary. But, I want to point out to the gentleman from Philadelphia it does not state what he said on the floor of the House, that it should be repealed and something further in reference to the milk order. I am positive that the language is just about as I understand it, and my interpretation of the language is the interpretation that I had in mind.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, does the Legislative Journal contain fiction?

The SPEAKER. The gentleman should know.

Mr. TURNER. Mr. Speaker, I thought up until now it contained facts and not fiction. It seems to me that the report which the gentleman from Monroe is spreading upon the pages of the Journal is phantasy and fiction.

Mr. ACHTERMAN. Mr. Speaker, at this late hour I rather hesitate to characterize what the Governor said back in February. Perhaps the old story of pulling the wool over our eyes, giving misinformation to the House—call it fiction if you wish, or just another bubble burst perhaps, Mr. Speaker. I believe if the gentleman desires to characterize it as fiction, it is the kind of fiction that is coming home to plague them, next year.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House in three words.

Mr. Speaker, "Hope, Faith and Charity."

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I thought the gentleman from Dauphin was going to sing the first lines of a quite well known popular air, but I realized afterwards it couldn't be in three words. The words are "I'm Forever Blowing Bubbles" and it seems to me the gentleman from Monroe. Mr. Achterman is engaged in that practice now. He has talked a lot to us since back in February, I think it was, when the Governor gave the budget to the legislature, about the deceit and the phantasy of the Governor's budget

and about the untruths in it, but after struggling these one hundred seven days and laboring so hard, all of the things that they were going to find, I don't see that the gentleman from Monroe, Mr. Achterman has produced anything. In other words the mountain has labored and produced a mouse.

It was amusing to me to see in a number of newspaper that the Democratic State Chairman said that the Democratic Party,—he and Mr. Kelly had had a meeting and what the Democratic Party was going to do in line with its well known policy, which was that it was going to reduce those taxes which affected the people the most, and hit the hardest upon those least able to pay.

And then I took a look back in the journal. I have a pretty good memory for things said on the floor of the House that later appear in the Journal. I found when that four mill tax was proposed, that is the four mill state tax on top of the four mill county tax, that George Earle said there was too much wealth in Pennsylvania that was escaping, and the gentleman from Monroe, Mr. Achterman came on the floor with a sort of chorus to the same tune, and talked about how they were going to levy this tax in Pennsylvania on the wealth that was escaping, and escaping too long its fair share of taxes.

I have been wondering since I read that statement by the State Chairman that they were going to take this one mill from those least able to pay, whether that was some of this phantasy and fiction on the part of the Democratic Party, whether the Earles, the Bullits, the Drexels and Biddles and the rest of the moneyed people in the Democratic Party—whether that association has now changed the entire policy of the Democratic Party. Where are they taking this tax off? We in the Republican Party didn't like that four mill tax; we always wanted them to take it off. Are they taking it off the bank shares and off personal property? They say it was a "soak the rich" tax which they were placing upon the people. It seems to me in talking about deception, and in waving the flag, I know they say it will come back and haunt the Republican Party, but it will not haunt the Republican Party a bit. If we get into a situation such as we had in 1938, the Republican Party will have to extricate them as it has done in the last two years.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained permission to address the House.

Mr. Speaker, I was amused over the word "fantasy." I recall a few years ago the Republican Party campaigning over this State. That you will recall, Mr. Speaker. I will not take a lot of time to tell how they denounced the tax measures of the Democrats including these particular tax measures, the tax measures that passed just last week; the tax measures that now the Republicans love so well and that just a few short years ago they were going to destroy, iniquitous tax measures. Remember that? Remember how they cried against them? Talk about fantasies and mirages. Can you imagine them, the same party standing on the floor of this House and raising that question? After all, who is going to pay these taxes? Who has started to reduce them The Republicans? No, Mr. Speaker, we had to force them to do it; they never would do away with them if they were allowed to follow their own desires and their own inclinations. It required the Democratic Party to point the way.

Mr. Speaker, may I say to the gentleman from Dauphin, Mr. Woodside, in three words that they will need hope, faith and charity in 1942.

PUBLIC HEARING

There will be a Public Hearing before the Committee on Ways and Means on House Bill No. 1403 on Tuesday, May 27, at 7:00 p. m., Eastern Standard Time, in the New House Caucus Room.

DINNER

Reservations are still available for the dinner to be held at Hershey Hotel on Wednesday, May 28th, in honor of the Majority Floor Leader. Tickets for the dinner may be procured from Walter Miller in the Chief Clerk's Office. Transportation will be available for those who do not intend to drive. The evening of May 28th will be devoted to the consumption of fine food and the dissemination of good fellowship. There will be no talk of budgets or anything of that kind, and since none of the money from the tickets is going into the Democratic Party coffers I expect to see a great many Republicans there.

JOINT HEARING ON HOUSE BILLS Nos. 1671 AND 1403

The Committee on Education will hold a Joint Hearing

on H. B. 1671, now substituted for H. B. No. 1, on Tuesday, May 27 at 7:00 p. m., Eastern Standard Time, with the Ways and Means Committee which will hold a hearing on H. B. 1403 at the same time, in the New House Caucus Room—Main Floor.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Boroughs, Tuesday, May 27, at 10:30 a. m., in Room 330.
Cities—First Class, Tuesday, May 27, at 11 a. m., in Room 521.

Counties, Tuesday, May 27, at 11 a. m., in Room 522.

Dairy Industries, Tuesday, May 27, at 11 a. m., in Room 329.

Judiciary General, Tuesday, May 27, at 10 a. m., in Room 246.

Judiciary Special, Tuesday, May 27, at 11:45 a. m., in Room 246.

Public Utilities, Tuesday, May 27, at 9:30 a. m., in Room 331.

ADJOURNMENT

Mr. DENNISON. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 27, 1941, at 12 m.

The motion was agreed to, and (at 12:15 a. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, MAY 27, 1941.

No. 60.

SENATE

TUESDAY, May 27, 1941

The Senate met at 12:00 o'clock noon, E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the Senator from Berks, Dr. RUTH.

Almighty God, Our Heavenly Father, we thank Thee for this new day and we pray that Thy spirit will guide us today, that we may understand our fellowman as being our brothers that we may live our lives amongst them. As the poet said:

Let me live in a house by the side of a road,
Where the races of men go by,
The men that are good and the men that are bad,
As good and as bad as I.
I would not sit in the scorner's seat,
Nor hurl the cynic's ban,
Let me live in a house by the side of a road,
And be a friend to man.

We ask it in Thy holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. CARR and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

PETITION

The PRESIDENT. The Chair lays before the Senate a communication from the Civic Club of Allegheny County urging passage of fair and just Senatorial and Legislative reapportionment, which will be noted in the Journal.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for ap-

pointment as Notaries Public, sent to the Senate, May 27, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 27, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Edna E. Daeweritz, Pittsburgh, 207 Sandusky Street, N. S.

CAMBRIA COUNTY

Jack L. Berkebile, Ferndale.

ERIE COUNTY

Charles A. Mertens, Jr., Erie.

FRANKLIN COUNTY

Ellis B. Miller, Mercersburg.

NORTHAMPTON COUNTY

E. A. Henninger, Bethlehem.

SOMERSET COUNTY

Eugene W. Pugh, Berlin.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	McCreesh,	Stiefel,
Bartlett,	Edmonds,	McGinnis,	Tallman,
Becker,	Farrell,	McQuiddy,	Taylor,
Carr,	Geltz,	Miller,	Thomas,
Cavalcante,	Haluska,	Reed,	Tyler,
Chapman,	Heyburn,	Ruth,	Wade,
Coleman,	James,	Scarlett,	Walker,
Cox,	Jaspan,	Shapiro,	Watkins,
Crider,	Lanius,	Snowden,	Wilson. H. I.,
Crowe,	Letzler,	Stevenson,	Ziesenheim
DiSilvestro,	Mallery,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 524, entitled:

An Act to further amend section two hundred and ten of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," prohibiting the sale of striped bass or rock fish under eighteen inches in length

House Bill No. 666, entitled:

An Act to amend section one of the act approved the twenty-sixth day of August A. D. one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water rents or rates in installments" by including counties

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL No. 141

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 223

He also returned to the Senate, Senate Bill No. 223, entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws, prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 315

He also returned to the Senate, Senate Bill No. 315, entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 345

He also returned to the Senate, Senate Bill No. 345, entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills.

with the information that the House has passed the same without amendments.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, May 26, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday, June 2, 1941, at 3:30 o'clock, p. m., (Eastern Standard Time), and when the House of Representatives adjourns this week it reconvene on Monday, June 2, 1941, at 8:00 o'clock, p. m. (Eastern Standard Time).

AMENDMENT TO HOUSE BILL No. 610 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 610, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," changing the qualifications of historical societies to receive appropriations.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The bill as amended will be noted on tomorrow's Calendar.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 931, (Senate Bill No. 1030), entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their gov-

ernment; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

Which was committed to the Committee on Education.

House Bill No. 1346, (Senate Bill No. 1031), entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

Which was committed to the Committee on Forests and Waters, Game and Fish.

House Bill No. 1350, (Senate Bill No. 1032), entitled:

An Act validating certain deeds and conveyances made by trustees without setting forth their authority to convey.

Which was committed to the Committee on Judiciary General.

House Bill No. 1355, (Senate Bill No. 1033), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," changing the conditions of eligibility for election or appointment as county, district, assistant county or district superintendent and associate superintendent, and the term of county superintendents.

Which was committed to the Committee on Education.

House Bill No. 1489, (Senate Bill No. 1034), entitled:

An Act to amend sections six, eleven, twelve, sixteen and twenty-one of the act, approved the twenty-first day of April, one thousand nine hundred and thirty-seven (P. L. 318), entitled "The Pennsylvania Plant Pest Act of 1937," further regulating the business of dealing in, and the transportation and sale of nursery stock coming from without the Commonwealth.

Which was committed to the Committee on Agriculture.

House Bill No. 1521, (Senate Bill No. 1035), entitled:

An Act to amend section two, and clause (b) of section four of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "Public Assistance Law," amended; eliminating from said act the provisions requiring milk to be furnished as a necessary part of assistance.

Which was committed to the Committee on Public Health.

House Bill No. 1526, (Senate Bill No. 1036), entitled:

An Act to amend section two hundred seven of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Laws," further prescribing method by which second class townships may be classified as first class townships; and providing for the costs and holding of special elections for that purpose.

Which was committed to the Committee on County Government.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on State Government, reported as committed, Senate Bill No. 1005, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

Mr. FARRELL, from the Committee on State Government, reported as committed, Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

Mr. HENRY I. WILSON, from the Committee on Law and Order, reported as committed, Senate Bill No. 396, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State and election officers; providing penalties; and repealing existing acts," changing the date for the exercise of local option.

He also, from the Committee on Law and Order, reported as committed, Senate Bill No. 669, entitled:

An Act to further amend sections five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practice in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by changing the time for submission of the question of local option.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

Mr. MALLERY, from the Committee on Law and Order, reported as committed, Senate Bill No. 690, (House Bill No. 1088), entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

Mr. STIEFEL, from the Committee on State Government, reported as committed, Senate Bill No. 729, (House Bill No. 393), entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 996, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

Mr. THOMAS B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 995, entitled:

An Act to add section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the compensation of certain officers and employes.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 1037, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regard thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age.

Which was committed to the Committee on Insurance.

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 1038, entitled:

An Act to amend section three of the act, approved the eleventh day of April, one thousand nine hundred one (P. L. 74), entitled "An act relating to criminal prosecutions and civil suits for libel, and repealing the act, entitled 'An act relating to libel and its punishment,' approved July first, one thousand eight hundred and ninety-seven," by providing additional defenses to civil actions for libel.

Which was committed to the Committee on Judiciary General.

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 1039, entitled:

An Act to amend further section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located in such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways, and making an appropriation to carry out the provisions of this act," by changing Routes 22045 and 38043.

Which was committed to the Committee on Highways.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 1040, entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day

of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

Which was committed to the Committee on Military Affairs.

Mr. ZIESENHEIM read in his place and presented to the Chair Senate Bill No. 1041, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth.

Which was committed to the Committee on Aeronautics.

MOTION THAT SENATE NON-CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 414 (HOUSE BILL No. 616)

Mr. GELTZ. Mr. President, I move that the Senate non-concur in the amendments made by the House to Senate Bill No. 414 (House No. 616), recalled from the Governor.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON NON-CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,
The Senate resumed the consideration of Senate Bill No. 414, (House Bill No. 616), entitled:

An Act to amend section seven, of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 427), entitled "An act to consolidate, revise and amend the laws of this Commonwealth, relating to penal proceedings and pleadings," providing for the fixing of bail and the admission to bail by magistrates, committing magistrates, justices of the peace or aldermen and coroners in certain cases involving involuntary manslaughter

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Will the Senate non-concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29			
Bartlett,	Farrell,	Mallery,	Thomas,
Becker,	Geltz,	Miller,	Tyler,
Chapman,	Heyburn,	Shapiro,	Walker,
Crider,	Homsher,	Snowden,	Watkins,
Crowe,	James,	Stevenson,	Wilson, H. I.,
Deitrick,	Kephart,	Tallman,	Wilson, T. B.,
Ealy,	Letzler,	Taylor,	Ziesenheim,
Edmonds,			

NAYS—15

Barr,	Cox,	Lanlus,	Reed,
Carr,	DiSilvestro,	McCreesh,	Ruth,
Cavalcante,	Frey,	McGinnis,	Stiefel,
Coleman,	Jaspan,	McQuiddy,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

MOTION THAT SENATE CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 329

Mr. CROWE. Mr. President, I move that the Senate do now concur in the amendments made by the House to Senate Bill No. 329.

Mr. LETZLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,
The Senate resumed the consideration of Senate Bill No. 329, entitled:

An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" fixing the time of day that the open season shall begin for charr commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins.

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Reed,	Wade,
Coleman,	Heyburn,	Ruth,	Walker,
Cox,	Homsher,	Scarlett,	Watkins,
Crider,	James,	Shapiro,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,
The Senate resumed the third reading and consideration of Senate Bill No. 599, entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

YEAS—46

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McGinnis,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Cavalcante,	Haluska,	Miller,	Tyler,
Chapman,	Heyburn,	Reed,	Wade,
Coleman,	Homsher,	Ruth,	Walker,
Cox,	James,	Scarlett,	Watkins,
Crider,	Jaspan,	Shapiro,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Willson, T. B.,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,		

NAYS—0

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer the following amendments.

Amend title, page 1, between lines 8 and 9, after the word "the" in line 8, and before the word "classes" in line 9, by striking out the words: "second third and fourth"; and inserting in lieu thereof the following words: "fifth sixth seventh and eighth"; amend Section 1, page 2, line 4, after the word "the" and before the word "classes" by taking out the words: "second third and fourth"; and inserting in lieu thereof the following words: "fifth sixth seventh and eighth"; amend Section 1, page 2, line 7, after the word "board" and before the word "and", by

taking out the bold-faced bracket; amend Section 1, page 2, line 2, after the word "commissioners" and before the word "Such", by taking out the bold-faced bracket.

On the question,

Will the Senate agree to the amendments?

Mr. BARR. Mr. President, I object to the amendments as offered.

The PRESIDENT. There is objection.

Mr. REED. Mr. President, may we have the amendments read again?

The clerk again read the amendments.

AMENDMENTS WITHDRAWN

Mr. CHAPMAN. I withdraw the amendments, Mr. President.

BILLS OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 46, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 185, on third reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to consent of, and notice to be given to, parents of the person proposed to be adopted.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382), on third reading, entitled:

An Act authorizing counties cities boroughs incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein and to borrow money and issue bonds for said purpose

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, this bill is a companion bill to Senate Bill 614, on page five of the Calendar, and a committee has been appointed to check some of the phrases in the wording of the two bills.

SENATE BILL No. 1004 CALLED UP ON THIRD READING AND FINAL PASSAGE

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1004, on page 11 of the Calendar, on third reading. This is the special relief appropriation bill, and we desire that action be taken promptly, so that it may be sent to the House as quickly as possible.

Mr. BARTLETT. Mr. President, I second the motion. The motion was agreed to.

Mr. SHAPIRO. Mr. President, in connection with that bill, I called attention to the fact yesterday that this bill, which was stated to be a bill to provide sufficient funds

to carry the relief program through from the first of June, 1941, also contained provisions providing for relief for the balance of this biennium.

I had intended to offer amendments this morning. I am told by the majority leader on the other side that there is no serious objection to these amendments, but in view of the fact that this bill is now on third reading, it will lose a day in its passage if I offer these amendments now. I have therefore determined to make a record of the fact that I wanted to offer the amendments, but I think the matter can be taken care of in the House when the bill comes up.

I therefore ask that my colleagues join in voting for this bill.

Mr. GELTZ. Mr. President, just so we keep the record straight, I do not recall having said to my colleague from Philadelphia that there were no serious objections to the amendments. I did say to him I did not see the necessity of the amendments. The part to which he objected is the same wording as is contained in every relief appropriation bill, and the purpose of that is to take care of any bills which come in subsequent to the end of the biennium, which would permit the Department of Public Assistance to pay bills, incurred during this biennium but which do not come in until the next biennium.

Therefore, Mr. President, I can not see any serious objection to the bill in its present form, but I do appreciate the consideration of the gentleman from Philadelphia, Mr. Shapiro, in not insisting on his amendments at this time.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1004, as follows:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven million dollars (\$11,000,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance administrative expenses expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and

for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanlus,	Stewenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 443, on third reading, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents.

go over in its order; the bill not being up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 454, (House Bill No. 107), as follows:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free

bridges from the effective date of this act or from the date they are so acquired

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 644) is hereby further amended to read as follows

Section 11 The Secretary of Highways upon acquiring any such toll bridge is hereby directed to continue the collection of tolls and charges on such bridge or bridges or reconstructed bridges except as hereinafter provided until the Commonwealth has been reimbursed to the full extent of the original cost of acquiring any and all of such bridges or as many thereof as may be acquired by the Secretary of Highways within his discretion and in any event as may be acquired at a cost not exceeding in the aggregate the authorized sum of ten million dollars together with such interest thereon as shall have been expended by the Commonwealth and the cost of compensation of toll collectors All tolls and charges collected by the Secretary of Highways shall be paid into the Motor License Fund The Department of Highways shall reconstruct maintain and repair such bridges in the manner provided by law relating to State highways and bridges In case of the reconstruction of any such bridge the Secretary of Highways with the approval of the Governor may reconstruct such bridge on the same location or on a location within one mile thereof

Whenever the tolls collected from such bridges as may be so acquired after deduction of all moneys expended by the department for the cost of compensation of toll collectors shall have become sufficient to reimburse the Commonwealth in full for the cost of acquiring all of such bridges as may have been so acquired with interest thereon as aforesaid then all of such bridges so acquired shall become and be thereafter free bridges Such bridges shall thereafter remain in the charge and be under the control of the Department of Highways and shall be thereafter maintained and kept in repair and be rebuilt by the Commonwealth in accordance with the laws relating to State highways and bridges and the State shall take over and succeed to all agreements made with any public service company for the use by the public service company of such bridges The cost of such reconstruction maintenance and repair of said bridges after the same have been freed shall be paid out of moneys appropriated to the Department of Highways for the construction reconstruction and improvement of State highways

The Secretary of Highways is hereby authorized to adjust readjust and fix from time to time the amount of tolls and charges on such bridge or bridges as may be acquired under the provisions of this act for the purpose of causing each such bridge so acquired to bear as nearly as conditions and traffic will permit its proportionate share of the aggregate annual revenues to be received by the Commonwealth from toll bridges so acquired based on the cost thereof Provided however That whenever any toll bridge is acquired by the Secretary of Highways at a cost of less than three hundred thousand dollars the said Secretary of Highways may immediately discontinue the collection of tolls and charges on such bridge and such bridge shall be a free bridge The cost of maintenance and repair of said bridge after the same has been acquired by the Department of Highways shall be paid out of moneys appropriated to the Department of Highways for the construction reconstruction and improvement of State highways

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Orider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson. H. I.,
Detrick,	Jaspan,	Shapiro,	Wilson. T. B.,
Dent,	Kephart,	Snowden,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. JAMES. Mr. President, I ask unanimous consent that Senate Bill No. 491, on third reading, entitled:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so; and providing penalties

go over in its order, as I am considering amendments with the sponsor.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistant and other employees; providing for their compensation payable by such counties; and abolishing the office of assistant triennial assessor in townships of the first class.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to offer the following amendments: Amend Table of Contents page 2, line 8 by striking out the figure "623" and insert the figure: "620"; Amend section 104, page 3, lines 14 and 15 by striking out the following: "wherein

such a board is created under this act"; Amend section 105, page 4, line 8 by striking out the word "This" and insert in lieu thereof: "Except as otherwise provided in section 619 hereof this"; Amend section 202, page 8, line 14 by striking out "constitutes" and insert in lieu thereof: "constituted"; Amend section 302, page 10, lines 23 to 25 by striking out the following: "Such assessment roll shall be issued to the assessors on or before May 15 of each triennial assessment year"; Amend section 601, page 17, line 10 by striking out the word "Triennially" and insert in lieu thereof: "In the year one thousand nine hundred forty-two and triennially thereafter the board shall on or before May 1 issue to the assessors of the respective wards, boroughs, towns and townships a copy of the last completed assessment roll and"; Amend section 613, lines 19 and 20, page 24, by striking out the word "divisions" and insert in lieu thereof: "division"; Amend section 620, page 28, line 6 by adding after the word "law" the following: "Transcripts for assessments in inter-triennial years shall issue on or before the first day of May and shall be returnable on or before the first day of August. Upon receipt of the assessment roll from the assessor the board shall give notice as provided in section 604 of this act"; Amend bill page 28 by striking out all of lines 7 to 24 inclusive; Amend section 701, page 28, line 28 by striking out the word "At" and insert in lieu thereof: "Annually at"; Amend section 701, page 29, line 2 by inserting after the word "township" the following: "but in inter-triennial years the board shall meet only for the purpose of revising and equalizing changes in or additions to the triennial assessment roll"; Amend section 701, page 29; line 14 by inserting after the word "roll" the word: "or;" Amend section 701, page 29, line 15 by striking out the word "assessed"; Amend section 703, page 31, line 1 by inserting after the word "by" the following: "reason of"; Amend section 703, page 31, line 9 by inserting after the word "statement" the following: "No person shall have the right to appeal in inter-triennial years except as to an assessment which has been changed or added in such year."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 559, as follows:

An Act creating a joint legislative commission to be known as the Educational Survey Commission prescribing its powers and duties conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued imposing duties on departments and agencies of the State government and on colleges and universities and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a joint legislative commission to be known as the "Educational Survey Commission" which shall consist of two members to be appointed by the Governor three senators to be appointed by the President pro tempore of the Senate one of whom shall be a member of the minority political party of the Senate and five members of the House of Representatives to be appointed by the Speaker two of whom shall be members of the minority political party of the House of Representatives together with the President pro tempore of the Senate and the Speaker of the House of Representatives The members of the commission shall serve without compensation

Section 2 It shall be the duty of the Educational Survey Commission to conduct such studies and investigations as it shall deem proper pertaining to the educational facilities and needs of the people of Pennsylvania to collate and digest the results of studies made by private research agencies which are willing to place the results of their research activities at the disposal of the General Assembly to secure all available information as to the present cost and functioning of the school system in this Commonwealth to determine what funds are required for the proper support of the public schools to recommend how the cost of such support should be divided between the Commonwealth and the school districts and the proper distribution of State funds among the several school districts having due regard for the abilities of the several school districts to raise funds to determine the possibility and practicability of merging dividing and reorganizing school districts to study existing distribution of higher educational institutions in the Commonwealth of Pennsylvania public and private and the functions they perform together with the relation between their programs and the occupational and professional needs and trends within the Commonwealth to make recommendations for securing adequate provisions for higher education as well as for education in the common schools to make recommendations regarding the discontinuance or alteration of functions and facilities of the State teachers' colleges and the Cheyney Training School for Teachers and to make such other studies and to compile such other material as may be deemed necessary for the information of the General Assembly in order to enable it to provide for the proper and equitable support of the educational facilities of the Commonwealth

Section 3 The commission shall meet for the purpose of organization at a time and place to be determined by the Governor The commission shall choose its own chairman shall appoint employ and fix the compensation of a secretary shall select and employ an adequate staff of experts and shall provide such other assistance as it may require The members of the commission shall be paid necessary expenses of subsistence and travel in the discharge of their duties in attendance at meetings of the commission or its committees

Section 4 For the purpose of this act the commission is authorized to hold hearings and to sit at such times and places as it may deem advisable to require by subpoena or otherwise the attendance of such witnesses and the production of such books papers and documents as it deems advisable to administer oaths and take testimony and to make expenditures not exceeding the amount hereinafter specified to employ counsel if it deems such employment necessary stenographic assistance to report the testimony taken at the hearings to be held by the commission and such other assistance as it deems advisable

Section 5 If any person corporation partnership or association wilfully neglects or refuses to testify before the commission or to produce any books papers records or documents subpoenaed by the commission the commission or any member thereof shall file a petition with a court of common pleas having competent jurisdiction over said person corporation partnership or association setting forth such facts The said court of common pleas or a judge thereof shall thereupon issue a rule upon said person corporation partnership or association returnable no less than five nor more than seven days from service thereof commanding said person corporation partnership or association to appear before said court and show cause why

the subpoena subpoena duces tecum or similar order of said commission shall not be complied with

If said person corporation partnership or association upon the return day of said rule to show cause is or are unable to show legal cause why the subpoena subpoena duces tecum or order of the commission should not be complied with the said court of common pleas shall forthwith enter an order of court directing said person corporation partnership or association to comply with the terms of the said subpoena subpoena duces tecum or order of the commission If thereupon such person corporation partnership or association shall refuse or fail to comply with the said order of court the said court of common pleas shall forthwith adjudge said person corporation partnership or association to be in contempt of court and such person corporation partnership or association shall thereupon forthwith be subject to the penalties provided by the Commonwealth in such cases

Section 6 The commission shall make a report embodying its findings and recommendations together with such legislative proposals or drafts of legislation as it shall deem necessary to the General Assembly not later than the first day of February one thousand nine hundred and forty-three

Section 7 The sum of fifty thousand dollars (\$50,000) or as much thereof as shall be necessary is hereby appropriated to the Educational Survey Commission for the payment of the expenses of its members for the payment of the compensation and expenses of persons employed by the commission for postage telephone and telegraph charges supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 8 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Farrell,	Mallery.	Stiefel,
Bartlett,	Frey,	McCreesh,	Tallman,
Becker,	Geltz,	McGinnis,	Taylor,
Carr,	Haluska.	McQuiddy,	Thomas,
Cavalcante,	Heyburn,	Miller,	Tyler
Cox,	Homsher,	Ruth,	Wade,
Crider,	James,	Scarlett,	Walker,
Crowe,	Jaspan,	Shapiro,	Watkins,
DiSilvestro,	Kephart,	Snowden,	Wilson H. I.,
Ealy,	Lanier,	Stevenson,	Ziesenheim,
Edmonds,	Letzler,		

NAYS—4

Chapman,	Reed,	Wilson, T. B.,	Woodward,
----------	-------	----------------	-----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and

all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 552), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties" by providing for the issuance of metal tags with kennel certificates, requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Section 1, page 4, line 15, by striking out after the word "shall" the following words: "at all"; amend Section 1, page 4, line 18, by striking out before the word "keep" the following word: "times"; amend Section 1, page 4, line 18, after the word "certificate" and before the

word "Such", by inserting the following words: "when and during such time as such dog is without the kennel"; amend Section 1, page 4, line 19, after the word "another" and before the word "whenever", by striking out the following words: "within the kennel".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

RECONSIDERATION OF SENATE BILL No. 653

Mr. GELTZ. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 653, entitled:

An Act regulating and improving the civil service departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof.

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "nay".

Mr. WOODWARD. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. WOODWARD. Mr. President, I voted "nay".

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I object, and ask that the roll be called.

(During the calling of the roll)

Mr. CAVALCANTE. Mr. President, I ask that the roll be verified.

The PRESIDENT. It has been requested that the roll be verified. The Clerk will read the names of those voting in the affirmative.

The Clerk read the names of those voting in the affirmative as follows:

Bartlett,	Farrell,	Miller,	Walker,
Becker,	Geltz,	Ruth,	Watkins,
Carr,	Heyburn,	Scarlett,	Wilson, H. I.,
Crider,	James,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Tallman,	Woodward,
Ealy,	Letzler,	Tyler,	Ziesenheim,
Edmonds,	Mallery,		

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk read the names of those voting in the negative as follows:

Barr,	Dent,	McCreesh,	Stevenson,
Cavalcante,	DiSilvestro,	McGinnis,	Stiefel,
Chapman,	Frey,	McQuiddy,	Taylor,
Coleman,	Haluska,	Reed,	Thomas,
Cox,	Jaspan,	Shapiro,	Wade,
Deltrick,	Lanius,		

The PRESIDENT. Are there any corrections? The

Chair hears none.

The negative vote will stand as verified.

Mr. JAMES. Mr. President, I desire permission to explain my vote.

The PRESIDENT. The gentleman from Bucks will proceed.

Mr. JAMES. Mr. President, I desire to explain that I voted in the affirmative on this motion out of courtesy to my colleague, and wish to state this does not bind me from considering the bill, when it comes up for action, on its merits.

The PRESIDENT. The vote on the motion to reconsider the vote by which Senate Bill No. 653, failed on final passage, is: Yeas—26; Nays—22. Therefore the motion prevails and the bill will be restored to the third reading Calendar.

The yeas and nays were required by Mr. CAVALCANTE and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Miller,	Walker,
Becker,	Geltz,	Ruth,	Watkins,
Carr,	Heyburn,	Scarlett,	Wilson, H. I.,
Crider,	James,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Tallman,	Woodward,
Ealy,	Letzler,	Tyler,	Ziesenheim,
Edmonds,	Mallery,		

NAYS—22

Barr,	Dent,	McCreesh,	Stevenson,
Cavalcante,	DiSilvestro,	McGinnis,	Stiefel,
Chapman,	Frey,	McQuiddy,	Taylor,
Coleman,	Haluska,	Reed,	Thomas,
Cox,	Jaspan,	Shapiro,	Wade,
Deltrick,	Lanius,		

So the question was determined in the affirmative.

SENATE BILL No. 653 CALLED UP ON THIRD READING

Mr. SHAPIRO. Mr. President, I now call up Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof.

The PRESIDENT. The gentleman from Philadelphia, Mr. Shapiro, requests that Senate Bill 653 be called up for action.

Mr. GELTZ. I object, Mr. President, and ask for a roll call.

Mr. SHAPIRO. That is out of order, Mr. President.

The PRESIDENT. The Chair wants to be fair. The motion was to reconsider the vote by which Senate Bill 653 failed on final passage, and since the motion prevailed the bill is now as it was before it was originally voted on.

The gentleman from Philadelphia, Mr. Shapiro, calls it up, just the same as he would any other bill on the Calendar, and the vote will be on that, but a roll call is in order.

Mr. GELTZ. The roll call is on what, Mr. President? The PRESIDENT. On the bill.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, the vote by which this bill was defeated was reconsidered, and that is why this bill is now on the postponed Calendar.

The PRESIDENT. It is not on the postponed Calendar. Was it on the postponed Calendar before?

Mr. SHAPIRO. It was taken off, Mr. President; it could not have been on the postponed Calendar. It was taken off and voted on. It is now on the Calendar.

The PRESIDENT. The position of the gentleman from Fayette, Mr. Cavalcante, is correct, if the bill was taken off the postponed Calendar when it was acted on.

Mr. SHAPIRO. Assuming that it was, Mr. President, I have now moved that it be called up for action, and it is on the Calendar, and therefore it does not make any difference whether it was on the postponed Calendar or not.

Mr. GELTZ. Mr. President, I understand my colleague from Philadelphia has asked that the bill be now considered. I now ask that the bill go over in order, Mr. President.

The PRESIDENT. We will have to dispose of the motion of the gentleman from Philadelphia, first.

Mr. GELTZ. There was not any motion made, if I understood the matter correctly.

Mr. SHAPIRO. Mr. President, the gentleman from Allegheny is in order in asking that the bill go over in order. I now object to the request that the bill go over in order and he can now make a motion to that effect.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I move that Senate Bill 653 go over in its order.

Mr. WOODWARD. I second the motion, Mr. President. On the question,

Will the Senate agree to the motion?

The PRESIDENT. In order to keep the record straight, the Chair understands that the gentleman from Philadelphia, Mr. Shapiro, called up the bill. Now, the gentleman from Allegheny, Mr. Geltz, moves, seconded by the gentleman from Philadelphia, Dr. Woodward, that the bill go over in order.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I object and ask that the roll be called.

(During the calling of the roll)

Mr. CAVALCANTE. Mr. President, I ask that the roll be verified.

The PRESIDENT. It has been requested that the roll be verified. The Clerk will read the names of those voting in the affirmative.

The Clerk read the names of those voting in the affirmative as follows:

Bartlett,	Edmonds,	Letzler,	Tyler,
Becker,	Farrell,	Mallery,	Wade,
Carr,	Geltz,	Miller,	Walker,
Chapman,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Wilson, T. B.,
Detrick,	James,	Tallman,	Woodward,
Ealy,	Kephart,	Taylor,	Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk read the names of those voting in the negative as follows:

Barr,	DiSilvestro,	McCreesh,	Shapiro,
Cavalcante,	Frey,	McGinnis,	Stevenson,
Coleman,	Jaspan,	McQuiddy,	Stiefel,
Cox,	Lanius,	Reed,	Thomas,
Dent,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

The PRESIDENT. The vote on the motion for the bill to go over in its order is: Yeas—32; Nays—17. The bill will appear on the Third Reading Calendar tomorrow.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—32

Bartlett,	Edmonds,	Letzler,	Tyler,
Becker,	Farrell,	Mallery,	Wade,
Carr,	Geltz,	Miller,	Walker,
Chapman,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Wilson, T. B.,
Detrick,	James,	Tallman,	Woodward,
Ealy,	Kephart,	Taylor,	Ziesenheim,

NAYS—17

Barr,	DiSilvestro,	McCreesh,	Shapiro,
Cavalcante,	Frey,	McGinnis,	Stevenson,
Coleman,	Jaspan,	McQuiddy,	Stiefel,
Cox,	Lanius,	Reed,	Thomas,
Dent,			

So the question was determined in the affirmative.

Mr. HALUSKA. Mr. President, I wish to explain my vote, why I voted "aye"; it is only a matter of courtesy that I wish to extend to my colleagues, which they failed to extend to me yesterday in connection with Senate Bill No. 522.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CROWE. Mr. President, I ask unanimous consent to offer the following amendments: Amend title, page 1, line 7 of title, by striking out the word "eight" and inserting in lieu thereof "eighth"; amend sec. 1, page 2, line 8, by striking out the word "eight" and inserting in lieu thereof: "eighth"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 658, (House Bill No. 510), as follows:

An Act to amend section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday

prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" is hereby amended to read as follows

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in four years be ascertained and the question as provided in section 3 of this act shall be submitted to the electors of any municipality at any municipal election upon demand in writing of petitioners equal to at least twenty per centum (20%) of the highest vote cast for any candidates in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any [general or] municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which motion picture exhibitions are permitted from and after two o'clock postmeridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock postmeridian on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock postmeridian on Sunday or which has not theretofore voted on such question are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in section 4 of this act such exhibitions shall thereafter be lawful

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill as it originally came from the House increased the number of petitioners to I think fifty-five per cent of the population to get a referendum; it has been changed to twenty per cent. Now, that is not any serious change, in my opinion, but what I think is a serious change by the amendment offered in this Senate is that they throw it into the municipal election instead of the primaries, as it was before, and creates an issue in what might be an important election which might reflect the effect of the results of the votes upon other more important matters, and for that reason I propose to vote "no" on this bill.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	DiSilvestro,	McCreesh,	Taylor,
Becker,	Edmonds,	McGinnis,	Tyler,
Coleman,	Geltz,	McQuiddy,	Wade,
Cox,	Heyburn,	Miller,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Kephart,	Snowden,	Wilson, H. I.,
Deltrick,	Lanius,	Tallman,	Ziesenheim,
Dent,	Letzler,		

NAYS—20

Bartlett,	Farrell,	Mallery,	Stevenson,
Carr,	Frey,	Mundy,	Stiefel,
Cavalcante,	Haluska,	Reed,	Thomas,
Chapman,	Homsher,	Ruth,	Wilson, T. B.,
Ealy,	Jaspan,	Shapiro,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and pro-

cedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers, by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to offer the following amendments: Amend sec. 3, page 8, line 18, by inserting a dark-faced bracket at the beginning of the line; amend sec. 3, page 8, line 29, by inserting a dark-faced bracket at the end of the line; amend sec. 3, page 9, line 1, by inserting a dark-faced bracket at the beginning of the line; amend sec. 3, page 9, line 9, by inserting a dark-faced bracket at the end of the line; amend sec. 4, page 10, line 21, by striking out the numeral "4" and inserting in lieu thereof: "3"; amend sec. 5, page 13, line 27, by striking out the numeral "5" and inserting in lieu thereof: "4"; amend sec. 6, page 14, line 27, by striking out the numeral "6" and inserting in lieu thereof: "5"; amend sec. 7, page 15, line 25, by striking out the numeral "7" and inserting in lieu thereof: "6"

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to

Ordered, That said bill as amended be printed for the use of the Senate.

QUESTION OF PERSONAL PRIVILEGE

Mr. DiSILVESTRO. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. DiSILVESTRO. Mr. President, I was attempting to do my routine work here a few minutes ago and someone followed me into the cloak room and started to annoy me about a bill. I explained to him I was busy and while I was absent for a few moments, I understand from persons who heard, that this man was talking in a very derogatory fashion.

Mr. President, I ask the Chair to see that these men

are kept off the floor, because I do not intend to get into any litigation with any of them.

The PRESIDENT. The Chair wishes to repeat what he has formerly stated; that the rooms in the rear of the rostrum are for members only.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 788, as follows:

An Act to amend sections one and two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647) entitled "An act relating to the registration of motor vehicles and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle or of the operators license of any operator of a motor vehicle by the Secretary of Revenue for violation of the provisions of the public utility company law authorizing the rescission of such suspension and providing for the disposition of fees" by extending the provisions thereof to contract carriers by motor vehicle

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1647) entitled "An act relating to the registration of motor vehicles and the licensing of certain operators thereof and providing for the suspension of the registration of any motor vehicle or of the operator's license of any operator of a motor vehicle by the Secretary of Revenue for violation of the provisions of the public service company law authorizing the rescission of such suspension and providing for the disposition of fees" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Revenue shall suspend the registration of any motor vehicle upon the presentation to said secretary of a certificate of the Public Utility Commission of the Commonwealth of Pennsylvania setting forth that after hearing and investigation the [Public Service Commission] Public Utility Commission has found and determined that said motor vehicle has been operated as a common carrier by motor vehicle within this Commonwealth without the approval of such operation by the Public Utility Commission

Section 2 The Secretary of Revenue shall suspend the operator's license of any operator of a motor vehicle upon the presentation to said secretary of a certificate from the Public Utility Commission of the Commonwealth of Pennsylvania setting forth that after hearing and investigation the Public Utility Commission has found and determined that said operator has operated a motor vehicle as a common carrier or contract carrier by motor vehicle without the approval of the Public Utility Commission

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill has been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,
Dent,
DiSilvestro,

Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,
Lanius,

McCreesh,
McGinnis,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,

Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 803, as follows:

An Act to further amend section one of the act approved the eighteenth day of April one thousand nine hundred and thirty-five (P. L. 48) entitled "An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances" making the said information available to county institution districts and city departments of welfare

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eighteenth day of April one thousand nine hundred and thirty-five (P. L. 48) entitled "An act requiring banks trust companies bank and trust companies private bankers and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances" as amended by the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 331) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same (a) That every bank trust company bank and trust company private banker and building and loan association shall when requested in writing so to do by the Department of Public Assistance or any county board of assistance or a department of welfare of any city or by any official legislative investigating committee or by any authorized agent thereof or by the executive and administrative officers of a county institution district disclose to such department board officers committee or authorized agent whether or not any person applying for or receiving public assistance or any legally responsible relative of such applicant or recipient has [had] or had any money on deposit with or invested in such banking institution or building and loan association within one year prior to their application for assistance or at any time thereafter the amount and date of such deposit or investment and the amounts and dates of withdrawals therefrom

(b) That every employer shall when requested in writing so to do by the Department of Public Assistance or any county board of assistance or a department of welfare of any city or by any official legislative investigating committee or by any authorized agent thereof or by the executive and administrative officers of a county institution district disclose to such department board officers committee or authorized agent within thirty (30) days whether or not any person applying for or receiving public assistance or any legally responsible relative of such applicant or recipient has or had received or will receive any money in salary wages commission or other compensation from such employer and if so the amount and date of such salary wages commission or other compensation

Barr,
Bartlett,

Ealy,
Edmonds,

Letzler,
Mallery,

Stevenson,
Stiefel,

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deltrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanlus,	Snowden,	Woodward,
DiSilvestro,			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I agree with the purpose of this bill, but I am afraid the framers have created a situation that may react unfairly. This bill was intended to exclude from the tabulations of population those persons who live on land ceded to the Federal Government. Now, Mr. President, that may be all right now, if those persons were included in the census. It may be from now on people who are not included in the census will be living on land ceded to the Federal Government, and yet the townships trying to get a higher classification will have deducted from their population people who should not have been deducted, because they were not even included in the original census.

It seems to me, Mr. President, this bill ought to be amended so as to provide that where the people were included in the original census, those who live on such land should not be included in the classification. I suggest, therefore, that the bill go over in order so that the proper amendments can be made if necessary.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 818, (House Bill No. 1324) on third reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. CHAPMAN (at the request of the sponsor). Mr. President, I move that Senate Bill No. 838, on third reading, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth, the site of Fort Zeller in Lebanon County and land adjacent thereto, as a recreational spot for the people of the Commonwealth.

be recommitted to the Committee on Appropriations for the purpose of further study.

Mr. BECKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 839, as follows:

An Act to further amend Section 7 of the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 374) entitled "An act providing for the licensing and regulation of corporations co-partnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment or of issuing negotiating offering for sale or selling any certificates securities contracts or other choses in actions evidenced by writing on the partial payment or instalment plan or of assuming fixed obligations or issuing in connection therewith a contract based upon payments being made upon instalments or single payments under which all or part of the total amount received is to be repaid at some future time with or without profit and imposing penalties" requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts

Section 1 Section 7 of the act approved the fifth day of May one thousand nine hundred twenty-one (P. L. 374) entitled "An act providing for the licensing and regulation of corporations copartnerships associations and individuals engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment or of issuing negotiating offering for sale or selling any certificates securities contracts or other choses in actions evidenced by writing on the partial payment or instalment plan or of assuming fixed obligations or issuing in connection therewith a contract based upon payments being made upon instalments or single payments under which all or part of the total amount received is to be repaid at some future time with or without profit and imposing penalties" as amended by the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 788) is hereby further amended to read as follows

Section 7 The Commission may require every corporation or person licensed under the provisions of this act to set apart a fund as additional security for the fulfillment of its contracts Such fund shall be invested in bonds of the character described in Section 4 of this Act or in such other securities as the Commission may from time to time designate by rule or regulation and forthwith deposited with the commission in the same manner and under the same terms as prescribed by said section provided such corporations or person may deposit cash with the commission in lieu of securities The commission may require every corporation or person licensed hereunder to file with it the names and ad-

dressers of contract holders in Pennsylvania together with the liability of such corporation or person to such contract holders

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tallman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Haluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsher,	Reed,	Walker,
Cride,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Deltrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,
DiSilvestro,		Ziesenheim,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. TAYLOR. Mr. President, I move that Senate Bill No. 843, on third reading, entitled:

An Act to further amend section two hundred nine of an act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for the reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, board, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by further prescribing the compensation of the Lieutenant Governor of the Commonwealth

and recommitting to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Dauphin.

The PRESIDENT. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from

Dauphin state the reason for recommitting this bill to the Appropriation Committee?

Mr. TAYLOR. At the request of the Chairman of the Committee on Appropriations, Mr. President.

Mr. SHAPIRO. Mr. President, I do not think there is more than four thousand dollars involved in this matter, and it seems to me with a budget somewhere in the neighborhood of millions—is it not—we should not worry about four thousand dollars.

It seems to me, Mr. President, that this bill ought to go back. I know it is embarrassing to the chairman to take any action on these bills when they come up, particularly this bill, because he has no interest in it, but, on the other hand, I object to the referring of this bill to the Appropriations Committee unless the gentleman will tell us he has no money.

Mr. CHAPMAN. Mr. President, I requested that the bill be referred to the Committee on Appropriations, not for the purpose of killing the bill, but to see how much money we have left a little later in the session.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 930, (House Bill No. 1588), as follows:

An Act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section one of the act approved the first day of December one thousand nine hundred and thirty-eight (P. L. 103) as last amended by section one of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-nine (P. L. 182) is hereby further amended to read as follows

Section 524 In all school districts of the first class the school taxes for the following fiscal year shall be levied annually by the board of school directors thereof on or after the second Monday of November and before the first Monday of December following The board of school directors thereof shall annually levy a tax on each dollar of the total assessments of all property assessed and certi-

fied for taxation in said district which said tax shall be ascertained determined and fixed by adding together the following

(a) An amount which with all moneys received from the Commonwealth applicable thereto shall be sufficient to pay the minimum salaries and increments of the teaching and supervisory staff thereof as fixed and provided by law and to pay the contributions of said district to the teachers' retirement system

Provided however That for the purpose of computing the amount required to pay the minimum salaries and increments fixed by law but without otherwise limiting the rights of the district to employ teachers or other employees the number of teachers on the salary schedule of the elementary schools shall not exceed one for every thirty-two pupils in average daily attendance in such schools the number of teachers on the salary schedule of the junior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools the number of teachers on the salary schedule of the senior high schools shall not exceed one for every twenty-five pupils in average daily attendance in such schools and the number of teachers with salaries and increments fixed by law on any salary schedule now established or hereafter established and not specially mentioned in this act shall not exceed one for every twenty-five pupils in average daily attendance

The number of principals in the elementary schools and the principals in charge of all other character of schools now established or hereafter established and not specially mentioned in this act shall not exceed one for every six hundred pupils in average daily attendance in such schools and the number of principals in the junior and senior high schools shall not exceed one for every twelve hundred pupils in average daily attendance in such schools

The number of supervisors in all schools shall not exceed one for every fifteen hundred pupils in average daily attendance

The number of attendance officers and home and school visitors shall not exceed one for every two thousand pupils in average daily attendance in all elementary and secondary schools

In all adult and extension school classes the number of teachers shall not exceed one for every twenty pupils in average daily attendance in such schools

The salary and increments fixed by law of members of the teaching and supervisory staff whose number is not in some manner limited by the present proviso shall not be construed or considered as wit in item (a) of this section five hundred twenty-four of the act here amended but shall be construed and regarded as constituting expenses within the following item (c) of said section

Average daily attendance as used herein shall be based upon attendance during the preceding school term

(b) An amount sufficient to pay the interest on and retire at maturity the principal of the indebtedness of said district incurred as authorized by law

(c) An amount sufficient to pay all other expenses and requirements of said school district which amount shall be equivalent to not less than three nor more than five mills on the dollar of the total assessment of all property assessed and certified for taxation therein

The total annual school tax levy for all purposes in any school district of the first class shall not be more than eleven and three-quarter (11¾) mills on the dollar of the total assessment of all property assessed and certified for taxation in the territory constituting the district

Section 2 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Barr,	Ealy,	Letzler,	Stevenson,
Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Tailman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geitz,	McQuiddy,	Thomas,
Chapman,	Paluska,	Miller,	Tyler,
Coleman,	Heyburn,	Mundy,	Wade,
Cox,	Homsber,	Feed,	Walker,
Crider,	James,	Ruth,	Watkins,
Crowe,	Jaspan,	Scarlett,	Wilson, H. I.,
Detrick,	Kephart,	Shapiro,	Wilson, T. B.,
Dent,	Lanius,	Snowden,	Woodward,
DiSilvestro,			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECONSIDERATION OF SENATE BILL No. 787

Mr. KEPHART. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 787 entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing

and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" giving the commission additional authority over the alteration, relocation or abolition of crossings; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

passed third reading.

The PRESIDENT. For the information of the Senator from Philadelphia, Mr. Kephart, this bill was previously amended today and will appear on the Calendar for tomorrow on final passage as amended. The Chair understands the Senator from Philadelphia, Mr. Kephart, now desires to offer additional amendments; is that correct?

Mr. KEPHART. I desire to offer further amendments to the bill, Mr. President.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. SHAPIRO. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Philadelphia will state his question of parliamentary inquiry.

Mr. SHAPIRO. Mr. President, is the bill in the possession of the Clerk?

The PRESIDENT. It is.

Mr. SHAPIRO. Mr. President, I wish to suggest that it is impossible to follow the amendments and I want to suggest that this is getting to be a pretty bad way in which to amend the bills. I remember we just got through amending this bill, taking from the commission the authority over the alteration and relocation of crossings and so on. Mr. President, I do not see any reference to this subject in the title, and if we are going to amend these bills in this fashion, I feel we are going to have them in such shape that we will be printing them four or five times. I think this bill ought to go back to committee, if that is the situation, and have the amendments discussed in committee instead of this way; when the bill will have to be printed four times now.

Mr. KEPHART. Mr. President, as far as the title is concerned the amendments I just introduced are covered by a part of page 3 which further defines the term, "common carrier motor vehicles."

Mr. SHAPIRO. Mr. President, this does not define the term "common carrier"; this defines a different kind of carrier.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, I object to the present amendments, because the bill as amended is not on my desk.

The PRESIDENT. The bill is in the same status as it was before it was amended, and the Chair is of the opinion that additional amendments can be offered by unanimous consent, as has been done previously.

Mr. CAVALCANTE. Mr. President, the amendments made by the gentleman from Blair, Mr. Mallery, were made to the bill and those amendments are not on my desk at this time, and I do not know in what respect these amendments may alter or affect the previous amendments. I have no way of knowing.

The PRESIDENT. The Chair is of the opinion that the point of order raised by the gentleman from Fayette, Mr. Cavalcante, is well taken.

BILL RECOMMENDED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 787 be recommitted to the Committee on Public Utilities.

Mr. MALLERY. I second the motion, Mr. President.

Mr. GELTZ. Mr. President, are there some amendments which have been submitted?

The PRESIDENT. That is correct.

Mr. GELTZ. Mr. President, I would like to request the sponsor of those amendments to withdraw them.

The PRESIDENT. The Chair would say the amendments are not pending for the reason that a point of order was raised by the gentleman from Fayette, Mr. Cavalcante, and his point of order was sustained. Therefore, the amendments are not before us.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

SENATE BILL No. 567 CALLED UP FROM SECOND READING, POSTPONED

Mr. REED. Mr. President, I now call up Senate Bill No. 567, on second reading, postponed, Page 31, of the Calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 567 DROPPED FROM THE CALENDAR

Mr. REED. Mr. President, I move that Senate Bill No. 567, on second reading, entitled:

An Act to further amend sections one and two of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-seven (P. L. 1982), entitled, "An act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at law and in equity in certain courts of this Commonwealth, to prescribe rules and regulations for the conduct of any general business, either civil or criminal, by judges of any court of record; authorizing the courts of common pleas to prescribe and adopt local rules, not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee, and to fix and define its powers and duties; imposing duties on judges

and other officers of every court of record;" empowering the Supreme Court to prescribe rules of practice and procedure and for the conduct of the business of the Orphans' Court

be dropped from the Calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, as I recall this bill it gives the Supreme Court of the Commonwealth the same right to make uniform rules, for the Orphans Courts which we gave in the 1937 Session, I think it was, to the Supreme Court, to make for the Common Pleas Courts.

The various judges of the Orphans Courts have been in consultation and communication with most of the members of the Senate. There are a number of conflicting rules in the Orphans Courts which are creating considerable difficulty, in attempting to facilitate the business of the courts. If anywhere they need a codification of rules they need it in the Orphans Court. In every county of the Commonwealth there seems to be different rules and there has been a committee organized which I understand is to frame rules, which seem to have met with the approval of all the Orphans Courts of the various counties. The rules were made by a committee consisting of judges of the Orphans Courts.

I do not know why this motion was made, but if there is any real reason for it I would be glad to be advised as to the reason.

Mr. REED. Mr. President, I spoke to the sponsors of this bill and they were not opposed to the motion because this bill has been considered, I think, by all the lawyers of this body. It is time that some power is left with the local districts. In my little county we have a fine system of Orphans Court procedure and I know in the counties surrounding me we have very fine rules of procedure.

Why take from the various counties the power to make their own rules and give it to the Supreme Court? This is home rule in the finest sense of the term. We know in Washington County what rules we want; Philadelphia may know what rules they want but that is a matter, as I see it, for every local county district and that is why I am against this form of procedure.

I voted against the bill in 1937, and I have had lots of lawyers tell me now who were in favor of it at that time that they made a mistake in voting for the bill. If you will look at the advance sheets, particularly the District-County Reports today, you will see dozens of decisions trying to construe those rules and for that reason I see no purpose in giving the Supreme Court further power in making rules and procedure for the various local Orphans Courts in this state and I think the majority of lawyers who come from the various small districts will agree with these statements.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED and were as follows, viz:

YEAS—45

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzier,	Tallman,

Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,			

NAYS—5

Kephart,	Shapiro,	Stiefel,	Woodward,
McGinnis,			

So the question was determined in the affirmative.

RESOLUTION SERIAL No. 124 CALLED UP

Mr. CARR. Mr. President, at this time I call up for action Senate concurrent resolution number 124, which is found on page 241 of the Senate History. This is a resolution memorializing Congress to liberalize action by the Federal Government in connection with our pensions to the blind.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was as follows:

MEMORIALIZING CONGRESS TO PROVIDE
FEDERAL FUNDS TO STATES PROVIDING
ASSISTANCE TO BLIND PERSONS

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur), That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives in the Congress of the United States from this Commonwealth.

On the question,

Will the Senate agree to the Resolution?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—50

Barr,	Ealy,	Mallery,	Stiefel,
Bartlett,	Edmonds,	McCreesh,	Tallman,
Becker,	Farrell,	McGinnis,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,

Crowe, Deltrick, Dent, DiSilvestro,	Jaspan, Kephart, Lanius, Letzler,	Shapiro, Snowden, Stevenson,	Wilson, T. B. Ziesenheim, Woodward,
--	--	------------------------------------	---

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

URGING SENATE TO ENDORSE
JUNE DAIRY MONTH

Mr. WADE. Mr. President, on behalf of Senator Scarlett and myself, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Messrs. WADE and SCARLETT offered the following resolution which was twice read:

In the Senate, May 27, 1941.

Whereas, Nationally organized milk and dairy products interests have proclaimed the month of June, 1941—the first to thirtieth, inclusive—as JUNE DAIRY MONTH; and

Whereas, This event is designed to increase the consumption of milk and dairy products during the period of peak production and thereby decrease the milk surplus that depresses the milk markets, such surplus milk adversely affecting the dairy farmer's cash income; and

Whereas, Pennsylvania is a leader in the dollar value of milk produced annually; and

Whereas, Milk purchased from dairy farms in Pennsylvania's sixty-seven counties exceeds \$100,000,000 annually, the largest single cash farm income received by the farmer; and

Whereas, There are more than 125,000 farmers owning cattle herds producing milk in every one of Pennsylvania's sixty-seven counties; and

Whereas, Milk manufacturers and distributors, grocery, drug and variety stores, restaurant and hotel operators, and various other vendors in the Commonwealth of Pennsylvania have organized for the purpose of co-operating with milk producing farmers in this intensive JUNE DAIRY MONTH Campaign.

Now, Therefore, Be It Resolved: That the State Senate of the Commonwealth of Pennsylvania endorses JUNE DAIRY MONTH and calls upon the consumers of the State to help Pennsylvania's milk producing farmers materially increase their market for milk and dairy products during JUNE DAIRY MONTH.

MOTION TO SUSPEND RULE 39

Mr. WADE. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Agriculture.

QUESTION OF PERSONAL PRIVILEGE

Mr. CARR. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Butler will state his question of personal privilege.

Mr. CARR. Mr. President, I would like to ask the boys who are just leaving the gallery to please return.

It seems I am a little late with my request, Mr. President, as some of the boys have left the gallery, but I just want to call to the attention of the Senate the fact that these boys are members of the band which gave such a delightful concert in the lobby of the Capitol at the noon hour. This band is from my district. It is the Kittanning High School band from Armstrong County and I am very proud to have them with us today.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Butler.

The PRESIDENT. Will the gentleman from Butler permit himself to be interrogated?

Mr. CARR. Yes, Mr. President.

Mr. SHAPIRO. I desire to ask the gentleman from Butler to state whether this band is also from the same district as was ex-Senator Sipe?

Mr. CARR. Mr. President, this band comes from the same county in which my distinguished predecessor resides, but not from the same county in which the Butler T. B. Sanatorium is located.

RESOLUTION RECALLING SENATE BILL No. 66
FROM THE GOVERNOR

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 27, 1941.

Resolved (if the House of Representatives concur), that Senate Bill No. 66, Printer's No. 51, entitled "An act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' imposing additional duties on and providing for additional compensation of veterans' grave registrars", be recalled from the Governor for the purpose of amendment.

Mr. GELTZ. Mr. President, will the gentleman from Fayette explain the reason he has introduced this resolution?

Mr. CAVALCANTE. Mr. President, this bill has passed both houses and it was sent to the Governor, who in turn delivered it to the Attorney General for inspection and the Attorney General has forwarded to me this resolution, with a letter addressed to me which says "Enclosed please find recall resolution on Senate Bill 66, together with proposed amendments as discussed." Both the Governor and the Attorney General think this bill should be amended in some particulars, and I have the amendments, as soon as the bill has been returned to us.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The Senator from Warren will state his question of personal privilege.

Mr. CHAPMAN. Mr. President,

WHAT'S WRONG WITH THE UNITED STATES

As the late Will Rogers said "All I know is what I read in the newspapers", but during this past week, I have not been able to derive much comfort from what I have read. War clouds seem to lower much more ominously than they have and the outlook today for the vanquishment of Hitler and all he expresses seems to be more drear than for weeks.

A new type of war has been unleashed. War from the air in which parachutists have dropped from the clouds, gliders have been guided to the shores of Crete and even artillery has been unloaded from airplanes for the men landed. It is a new sort of war. German made, with devilish ingenuity. And it seemingly is successful. The RAF has had to withdraw under the preponderance of German air might and the Nazis are supreme commanders of the air. The soldiers of Hitler have died by thousands but still on they come in the face of a slaughter that would appall any but a blood crazed despot. Lives mean nothing to Hitler. Blood is his delight and death is his comrade.

And in the face of the death dealing hordes from the air where is vaunted "all out aid for Britain"? Where are the planes that our factories were to turn out in clouds until Hitler's fliers were driven from the skies? The British have relied on the smooth words of our leaders at Washington; have placed dependence on their promises and have turned a hopeful eye toward our shores.

For months Americans shocked at the pitiful slaughter of women and children in British cities, spoke loudly of help for Britain. Parlor patriots clicked needles and rolled bandages while they drank tea and ate English biscuits. All very society, you know. But somehow this spirit has cooled. Needles still click and some bandages are rolled but the inspired spirit of help for Britain has had the edge taken off.

Instead there has grown a feeling under the speeches of Lindbergh, Nye, Wheeler and others that we just shouldn't mix into the affair too deeply and the British had better make peace while she has some possessions left. The feeling now is that we should become impregnable and if Hitler wants to attack us we will show him something. It is dangerous propaganda.

In Washington there has grown up a mob of favored employees, men placed in key positions through pull and influence and strikes have been condoned in high places and sympathy expressed for the poor workers who are demanding big wages and short hours. Our President talks of sacrifices but his bureaucrats create [sinecures and] soft berths for their friends.

What is needed in this country today is leadership. It looks to me as if the vast millions appropriated for defense may find themselves used for the perpetuating of a dynasty of first ladies and captains as went the unearmarked millions that were voted for relief. Most of them were earmarked "On to Chicago", and our defense millions may well be earmarked "Stay in Washington". It is high time [that that nation let the Administration and its bungling cohorts in the Nation's capitol know] that action and not "fireside chats" is what is wanted.

And one of the prime offenders is Madam Perkins. She should resign and do it quickly. The demand

should ring from coast to coast and in clarion tones that she place her resignation in the hands of the President and allow someone with at least a speaking knowledge of what her office demands to be in her place at the cabinet table. Ignorant of the needs of labor; wholly unaware of the needs of the Nation, she has harbored Reds and pampered parlor pinks. She has no place in the councils of Nation on the verge of war.

Much, due to Madam Perkins there has grown a rift between labor and capital. Much, due to her, there has been a reign of strikes in industry. She has caused friction and distrust to be roused in the ranks of labor and capital. Both have rights that must not be infringed upon and those rights should be preserved, but the attitude of Madam Perkins has been such that she had no balm with which to heal the wounds of either party and smooth out their differences. Today the cabinet of the President of the United States has no room for such a person as Madam Perkins and she should go.

There should be in our Nation's capitol, men in whom the people at large trust implicitly. Men of integrity; men of [that] Americanism who place their country before all other interests. It is a time when placing of political favorites in places of trust where they fit as well as a square peg in a round hole, must be halted.

Candidly, I am alarmed at the outlook. I feel that our Nation has the men; has the money; the factories and mechanics to turn out the machines of war, if they are not hampered by red tape and one man decisions. I read recently that the burdens of the day were wearing on the President. Why should all final decisions rest on his shoulders? Make a plan and stick to it, should be the order of the day. I cannot feel that all knowledge, all good judgment and all final decisions should be encompassed in one man [the mind of Franklin D. Roosevelt.] [His past performances are not such as to give one the desire to exclaim "Well done, good and faithful servant".]

We have all read, that by the middle of 1941, war munitions should be streaming out of American plants in a manner that would make their influence felt in the battle with Hitler. It is now close to the middle of 1941 and just the other day I picked up my paper and read that by June, 1942, we would be in stride and the supplies would be forthcoming.

Why are they not parading out of the factories now? This is the date set for the pouring forth of the material that would crush the despots. You and I can well remember the days of 1917-18 when the press was filled with the stories of the Liberty motor which was to send airplanes speeding over the German lines. And how many Liberty motors ever reached France? I have never read anywhere that one arrived at its destination. Our efforts then were a flat failure and our troops by thousands bore British arms into battle, fired French artillery and flew Italian planes. Is history being repeated?

They tell us that we are weak and that while we have the most valiant men in the world, they are not equipped to meet the mechanized divisions of the dictators on the battle field. England's Aussies, who in the World War beat the Germans every time and place were routed in Greece by the preponderance of German machines. Brave bodies are no match for iron and steel.

Hitler and his minions get for a dime what it is cost-

ing us a dollar to secure. His slaves do his bidding and the work day is from sunrise to sunset. In our Nation they are prating that all should sacrifice and work, but on the other side of their lips, they whisper encouragement to labor leaders who are seizing the opportunity to erect a vast organization that some of these days may be a danger to the heart of our liberties. Aye, even now a [beetle browed] leader says he may tie up the defense program by calling a strike of followers who give him blind allegiance.

I may have the wrong picture in my mind of conditions in our land, but I have had that picture painted by reading of the American newspapers which I have found at all times to be fearless and truthful. Thank God no way has yet been found to keep our newspaper from printing the truth. When they do our liberty is at an end.

I have appealed to the men of this Senate to carry home to their people the picture of the defense scheme of this Nation: Of how it has been allowed to lag and drag beneath political chicanery. The people of Pennsylvania, descendants of the men of '76 who in Philadelphia decided to band together for liberty, are ready to fight if need be to preserve their independence, but if they are being misled by a coterie of incompetent leaders, they should be told the truth. The need of America today more than any other one thing is a leader in the high ranks in whom the people have implicit trust.

BILLS SIGNED

The PRESIDENT, (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions.

Senate Bill No. 223, entitled:

An Act to amend section four of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1019), entitled "An act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes," changing the effective date of laws affecting budgets of political subdivisions.

Senate Bill No. 315, entitled:

An Act to further amend section one of the act approved the fourth day of April, one thousand nine hundred and twenty-five (P. L. 127), entitled "An act relating to adoption," by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties.

Senate Bill No. 345, entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand

nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrease of registers of wills probating or refusing to probate wills.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

CALENDAR

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 204, entitled:

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 633, (House Bill No. 949), entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 772, (House Bill No. 1253), entitled:

An Act providing a method of annexation of parts of townships now owned by and contiguous to cities of the first class and regulating the proceedings pertaining thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 785, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 802, entitled:

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 822, entitled:

An Act to further amend section one thousand one hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

SENATE BILL NO. 846 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 846, (House Bill No. 228), on second reading, page 22 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 846, (House Bill No. 228), entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined, requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax, conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties," as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 847, (House Bill No. 229), on second reading, page 22 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 847, (House Bill No. 229), entitled:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within

the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 916, (House Bill No. 232), on second reading, page 26 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 916, (House Bill No. 232), entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, copartnerships and persons.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 917, (House No. 235) on second reading, page 26 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 917, (House Bill No. 235), entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six, Pamphlet Laws thirteen), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1007, (HOUSE BILL NO. 230),
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1007, (House Bill No. 230), on second reading, page 26 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation," as previously reenacted and amended by continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1008, (HOUSE BILL NO. 231),
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1008, (House Bill No. 231), on second reading, page 27 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1008, (House Bill No. 231), entitled:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and

amended by extending the provisions of the act for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1009, (HOUSE BILL NO. 233),
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1009, (House Bill No. 233), on second reading, page 27 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1009, (House Bill No. 233), entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto, for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles, liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth Anno Domini, one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh, one thousand eight hundred and ninety-five commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1010, (HOUSE BILL NO. 234)
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1010, (House Bill No. 234) on second reading, page 27 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1010, (House Bill No. 234), entitled:

An Act to further amend section one of the act approved the fifteenth day of July, one thousand eight

hundred ninety-seven (P. L. 292) entitled "An Act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1011, (HOUSE BILL NO. 663)
CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1011, (House Bill No. 663), on second reading, page 28 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1011, (House Bill No. 663), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years, defining the powers and duties of the Governor, the Auditor General and the State Treasurer in relation thereto, providing for the payment of interest on and the repayment of such loans and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1016 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1016 on second reading, page 28 of the Calendar.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1016, entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1025 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1025, on second reading, Page 28 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1025, entitled:

An Act to amend the act, approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 2), entitled "An act to amend section two of the act, approved the eleventh day of April, one thousand nine hundred twenty-nine (P. L. 487), entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent, insane, feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth," as amended by deferring the operation of the act for a further period of time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1026 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1026 on second reading, page 29 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The Senate proceeded to the second reading and consideration of Senate Bill No. 1026, entitled:

An Act to amend the act, approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties, cities and institution districts for the care, maintenance and treatment of mental patients, providing for the transfer of such institutions to the Commonwealth, providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases, providing for the re-transfer of certain property to institution districts under certain circumstances and conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties, prohibiting cities, counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws," as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provisions for the adjustment of various matters between the Commonwealth and counties, cities, institution districts, boroughs, towns, townships, wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 1027 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1027 on second reading, page 29 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1027, entitled:

An Act to further amend section three of the act approved the eleventh day of October, one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals, counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws," by deferring the operation of the act for a further period of time and making further provision for the care of mental patients in certain county city or institution district institutions during such time.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 753 (HOUSE BILL NO. 645) CALLED UP

Mr. COX. Mr. President, I now call up Senate Bill No. 753, (House Bill No. 645) on second reading, page 21 of the Calendar.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 753, (House Bill No. 645), entitled:

An act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto", by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder, after due notice published.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. COX. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 23, by striking out after the word "controller" and before the word "if" the following: "When directed by the commissioners."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third, fourth and fifth sections were read and agreed to.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 54 CALLED UP

Mr. MILLER. Mr. President, I now call up Senate Bill No. 54, on second reading, page 14 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 54, entitled:

An Act to add clause forty-seven to section one thousand five hundred two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 7, by striking out the word: "each" at the end of the line; Amend Sec. 1, page 2, line 8, by striking out the word "organization" and inserting in lieu thereof: "all organizations."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 55 CALLED UP

Mr. MILLER. Mr. President, I now call up Senate Bill No. 55 on second reading, page 14 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 55, entitled:

An Act to add clause twenty-two to section seven hundred and two of the act, approved the first day of May,

one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. MILLER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 7, by striking out the word "each" at the end of the line; amend Sec. 1, page 2, line 8, by striking out the word "organization" and inserting in lieu thereof; "all organizations."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

RESOLUTION RECALLING SENATE BILL NO. 270 FROM THE GOVERNOR

Mr. THOMAS. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 27, 1941.

Resolved, (if the House of Representatives concur), that Senate Bill No. 270, Printer's No. 55, entitled "An act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto' by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view".

be recalled from the Governor for the purpose of amendment.

SENATE BILL NO. 213 CALLED UP

Mr. RUTH. Mr. President, I now call up Senate Bill No. 213, on second reading, page 14 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 213, entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the Ninth ward of the

Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation hereof; and creating an advisory board to assist in such functions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 508 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 508, on second reading, page 16 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 508, entitled:

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision, and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 509 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 509 on second reading, page 16 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 509, entitled:

An Act making an appropriation to the State Council

for the Blind for use in supplying medical treatment, surgical operations, eye-glasses or other necessary aids or services to needy blind persons or persons with impaired vision.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 776 CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 776, on second reading, page 21 of the Calendar.

Mr. FARRELL. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 776, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 858 (HOUSE BILL NO. 192) CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 858, (House Bill No. 192), on second reading, page 23 of the Calendar.

Mr. EALY. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 858, (House Bill No. 192), entitled:

An Act to amend section 4408 of the act, approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto," providing for appeals by policemen who are fined suspended or discharged after hearing.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 915 (HOUSE BILL NO. 124) CALLED UP

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 915 (House Bill No. 124) on second reading, page 24 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid-

eration of Senate Bill No. 915 (House Bill No. 124), entitled:

An Act to amend the title and the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds, to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders, and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for the payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for

acts of directors officers agents or other persons acting for on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties, defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers

The first section was read.

On the question.

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 8, line 9, after the word "Consumer" and before the word "any", by taking out the word "mean", and inserting in lieu thereof the word "means"; Amend Section 1, page 11, line 17, after the word "he" and before the word "it", by taking out the word "he" and inserting in lieu thereof the word "it"; Amend Section 1, page 11, line 23, after the word "article" and before the word "section", by taking out the word "of", and inserting in lieu thereof the word: "or"; Amend Section 1, page 14, line 21, after the word "rules" and before the word "regulations", by taking out the word "and"; Amend Section 1, page 18, line 27, after the letters "chased" and before the word "from" by inserting the following words: "or acquired"; Amend Section 1, page 24, line 16, after the word "handler's" and before the word "or", by taking out the misspelled word "choosng", and inserting in lieu thereof the word: "choosing"; Amend Section 1, page 24, line 17, after the word "a" and before the word "of", by taking out the word "handler", and inserting in lieu thereof the word: "hauler"; Amend Section 1, page 24, line 18, after the word "such" and before the word "hauler", by inserting the following words: "producer or"; Amend Sec. 1, page 25, line 4, after "when", before "if", insert: "and"; Amend Section 1, page 26, line 17, after the word "of" and before the word "sour", by inserting the following words: "but-terfat of"; Amend Section 1, page 28, line 15, after the word "dealer" and before the word "purchasing", by inserting the following words: "or handler"; Amend Section 1, page 28, line 15, after the word "or" and before the word "acquiring", by taking out the following words: "handler purchasing"; Amend Section 1, page 33, line 22, after the word "subdealer's", by underscoring the word "or"; Amend Section 1, page 34, line 27, after the word "the" and before the word "stockholders", by inserting the following words: "milk produced by the"; Amend Section 1, page 35, line 19, after the word "producer", and before the word "milk", by inserting the following words: "and a reasonable return to the"; Amend Section 1, page 37, between lines 13 and 14, after the word "competent" in line 13, and before the word "evidence" in line 14, by taking out the following words: "and admissible in"; Amend Section 1, page 38, line 3, after the word "shall" and before the word "make", by taking out the following words: "proceed to"; Amend Section 1, pages 45 and 46, between lines 21 and 28 on page 45, and between lines 1 and 12 on page 46, by taking out the paragraph beginning with the word "Where" and ending with the word "handler"; Amend Section 1, page 46 and 47, between lines

13 and 29 on page 46 and between lines 1 and 2 on page 47, by taking out the paragraph beginning with the word "It" and ending with the word "cooperative".

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 4, line 11, after "for", before "on", insert: "or"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

On the question,

Will the Senate agree to the bill, as amended?

BILL OVER IN ORDER

Mr. KEPHART. Mr. President, I ask unanimous consent that Senate Bill No. 915, (House Bill No. 124), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RE-REFERRED

Mr. WALKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER, from the Committee on Judiciary General, reported and committed, Senate Bill No. 77, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

with the request that it be re-referred to the Committee on Banking.

The PRESIDENT. It is so ordered.

SENATE BILL NO. 731 (HOUSE BILL NO. 960) CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 731, (House Bill No. 960), one second reading page 20 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 731, (House Bill No. 960), entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April, one thousand nine hundred and eleven (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on Judiciary General, reported as amended, Senate Bill No. 610, (House Bill No. 1005), entitled:

An Act to add section six hundred ninety-nine and six-tenth of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties.

BILL INTRODUCED

Mr. MUNDY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, read in place and presented to the Chair Senate Bill No. 1042, entitled:

An Act to amend section five of the act, approved the fifteenth day of April one thousand eight hundred and forty-five (P. L. 459), entitled "A supplement to an act, entitled 'An act relating to executions,' passed the sixteenth day of June, A. D., one thousand eight hundred and thirty-six," further prescribing funds or moneys subject to attachment.

Which was committed to the Committee on Judiciary General.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 396, entitled:

An Act to further amend section thirty-one as re-numbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," changing the date for the exercise of local option.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 610, (House Bill No. 1005), entitled:

An Act to add section six hundred ninety-nine and six-tenth of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 669, entitled:

An Act to further amend sections five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licenses and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by changing the time for submission of the question of local option.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 690, (House Bill No. 1089), entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 729, (House Bill No. 393), entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," by extending the provisions thereof to vending equipment used in distribution of such articles and further defining parties having a right of action for unfair competition.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 995, entitled:

An Act to add section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employees of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the compensation of certain officers and employees.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 996, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body

corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1005, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 329, entitled:

An Act to amend clause (a) of section twenty of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish: and amending, revising consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Common-

wealth," fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, May 28, 1941, at 2:00 o'clock, p. m. Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:57 o'clock p. m., Eastern Standard Time until Wednesday, May 28, 1941, at 2:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, May 27, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, teach us, we pray Thee, the more excellent way of love. Help us to realize the power, the beauty, and the enduring worth of love. Rebuke us for our loveless living and for our trust in forces alien to the life of the Spirit.

Remind us of the danger of dreaming and not daring, of resolving and not acting. Give unto each of us a freshness of Spirit that together we may do good to all men.

We pray Thee, our heavenly Father, that Thy healing hand may touch the body of Representative Welsh of Fayette, of whom it was reported met with an accident. May we, not only as Representatives, but as Thy children, give thanks to Thee this day for the measure of health and strength that is ours. This we ask in the name of Him from whom we learned that God is love. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. POWERS, unanimously agreed to, the further reading was dispensed with and the Journal approved

BILLS INTRODUCED AND REFERRED

By Mr. ROSENFELD.

HOUSE BILL No. 1701.

An Act to add section thirteen to the act, approved the eighth day of June, one thousand nine hundred eleven (P. L. 705), entitled "An act creating the office of Fire Marshal, to be attached to the Department of Public Safety

in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office," by authorizing the Fire Marshal to order vacated buildings and premises constituting nuisances dangerous and detrimental to life and property, and authorizing the Fire Marshal to abate such nuisance under the police power.

Referred to the Committee on Cities — First Class.

By Mr. ROSENFELD. HOUSE BILL No. 1702.

An Act to amend section ten of article two of the act, approved the twenty-fifth day of June, one thousand nine hundred nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further regulating the term of appointment of the city planning commission; imposing powers and duties on such commission; and imposing certain restrictions on the transfer of certain lands or the erection of certain buildings.

Referred to the Committee on Cities — First Class.

By Mr. CHUDOFF. HOUSE BILL No. 1703.

An Act limiting the amount of costs of prosecution payable by persons, when appeals from the payment of fines for summary convictions, are not sustained.

Referred to the Committee on Judiciary Special.

By Mr. HEWITT. HOUSE BILL No. 1704.

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Referred to the Committee on Education.

By Mr. STANK. HOUSE BILL No. 1705.

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Referred to the Committee on Highways.

By Mr. HAMILTON. HOUSE BILL No. 1706.

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge, Pennsylvania; providing for the control, management, and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance, and visitation thereof.

Referred to the Committee on State Government.

By Mr. SKALE. HOUSE BILL No. 1707.

An Act directing judges of courts of record in criminal cases to order the acquittal of any defendant notwithstanding a verdict of guilty by any jury or judge without a jury, where it appears such a verdict cannot be sustained by the evidence.

Referred to the Committee on Judiciary Special.

By Mr. RUSH.

HOUSE BILL No. 1708.

An Act requiring every board of school directors, board of public education, board of trustees or other governing body of any school or other public institution supported in whole or in part from public funds to exercise exclusive supervision and control over any band, orchestra or other musical organization maintained by such institution; authorizing the adoption of rules and regulations by such governing bodies relating to the activities of such musical organizations; prohibiting any person having charge of such musical organization from permitting any use of the equipment thereof or any performance thereby, except in connection with some function of the institution; requiring persons in charge of such bands to accept no compensation for their services other than that granted them by the school districts; and prescribing penalties.

Referred to the Committee on Education.

By Mr. ACHTERMAN. HOUSE BILL No. 1709.

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in this Commonwealth.

Referred to the Committee on Ways and Means.

By Messrs. D'ORTONA and VOORHEES.
HOUSE BILL No. 1710.

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

Referred to the Committee on Cities — First Class.

By Messrs. RAUSCH and LICHTENWALTER.
HOUSE BILL No. 1711.

An Act to further amend part of section fourteen of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five, of article fourteenth, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants," further prescribing compensation of clerks of the courts.

Referred to the Committee on Counties.

By Mr. MALLOY. HOUSE BILL No. 1712.

An Act making an appropriation to the Department of

Military Affairs to be used for the payment of subscriptions to "The Pennsylvania Guardsman Monthly" or "The Pennsylvania Guardsman Weekly" for distribution to all officers and men who are or may become members of the units of the Pennsylvania National Guard in active service of the United States, and to the officers and men of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Mr. MALLOY.

HOUSE BILL No. 1713.

An Act providing that moneys heretofore or hereafter appropriated to the Department of Military Affairs for the payment of subscriptions to the Pennsylvania National Guardsman for distribution to the officers and men of the National Guard may be used for the payment of subscriptions to "The Pennsylvania Guardsman Monthly" or "The Pennsylvania Guardsman Weekly" heretofore distributed or for distribution to all officers and men who are or may become members of units of the Pennsylvania National Guard in active service of the United States, and to the officers and men of the Pennsylvania Reserve Defense Corps.

Referred to the Committee on Appropriations.

By Messrs. EDWIN A. LEE and HERSCH.

HOUSE BILL No. 1714.

An Act to protect the public health by prohibiting the use of steel wool or other similar material for cleaning or polishing cooking or eating utensils used in public eating or drinking places or in certain institutions.

Referred to the Committee on Public Health and Sanitation.

By Mr. ELLWOOD B. WELSH. HOUSE BILL No. 1715.

An Act to amend section seven of the act, approved the seventeenth day of May, one thousand nine hundred seventeen (P. L. 208), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words 'drug' and 'poison'; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law; and providing for the purchase of samples of drugs for determining their quality, strength, and purity," by requiring a copy of the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association to be kept in every pharmacy.

Referred to the Committee on Public Health and Sanitation.

By Messrs. GERARD and BAKER.

HOUSE BILL No. 1716.

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; fixing a minimum quantity of malt or brewed beverages which may be sold in cases, cartons or boxes; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary

unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Referred to the Committee on Ways and Means.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 609

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 609, Printer's No. 132, entitled, "An Act to amend section four hundred thirty-eight of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' changing the qualifications of historical societies to receive county appropriations."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which read as follows:

APPROVAL OF HOUSE BILL NO. 1205

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 23, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1205, Printer's No. 311, entitled, "An Act to amend subsections (b) and (c) of section two of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 626) entitled 'An act providing for and regulating the assessment and valuation of all subjects of taxation in counties of the second class creating and prescribing the powers and duties of a Board of Property Assessment Appeals and Review imposing duties on certain county and city officers abolishing the board for the assessment and revision of taxes in such counties and prescribing penalties' to provide for the appointment of the members of the Board of Property Assessment Appeals and Review in second class counties by the county commissioners."

ARTHUR H. JAMES.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 524:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for

sale of striped bass or rock fish under eighteen inches in length.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 666.

An Act to further amend section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" by extending its provisions to counties of the second class

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Weiss for Mr. LOVETT for the remainder of the week on account of death in the family.

BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 666:

An Act to further amend section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (P. L. 101) entitled "An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments" by extending its provisions to counties of the second class

HOUSE BILL No. 524:

An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEE

Mr. COOK, from the Committee on Boroughs, reported as Committed, House Bill No. 1197, entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805

of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

Mr. WOLF, from the Committee on Counties, reported as Committed, House Bill No. 1653, (Senate Bill No. 587), entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1672, (Senate Bill No. 572), entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

Mr. LEONARD, from the Committee on Cities-First Class, reported as committed, House Bill No. 1474, (Senate Bill No. 365), entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receivers of taxes or of the city solicitor and repealing inconsistent legislation.

Mr. WILKINSON, from the Committee on Counties, reported as committed, House Bill No. 790, (Senate Bill No. 151), entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

Mr. McFALL, from the Committee on Counties, reported as committed, House Bill No. 1619, (Senate Bill No. 346) entitled:

An Act to amend section two hundred one and to further

amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal or quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

Mr. WEISS, from the Committee on Judiciary General, reported as amended, House Bill No. 664, entitled:

To amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

Mr. O'MULLEN, from the Committee on Public Utilities, reported as committed, House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

Mr. SNYDER, from the Committee on Dairy Industries, re-reported as amended, House Bill No. 908, entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," by defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1424, entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

Mr. CORRIGAN, from the Committee on Cities-First Class, reported as committed, House Bill No. 1475 (Senate Bill No. 364, entitled:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes, water

rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein, and limiting the liability of the Receiver for errors in said certificates, and retaining the liens of all unpaid taxes, water rents and claims against such property though the same are not set forth in said certificate, and repealing inconsistent legislation.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 1581, (Senate Bill No. 224), entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

Mr. CHERVENAK, from the Committee on Counties, reported as amended, House Bill No. 1328, entitled:

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts, and poor districts," by including second class counties within the provisions of the act.

Mr. CULLEN, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1232, entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

Mr. BENTZEL, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1233, entitled:

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county commissioners, from time to time, to make supplemental appropriations.

Mr. CADWALADER, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1235, entitled:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

Mr. MARSHALL M. COHEN, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1236, entitled:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations

BILL ON FIRST READING

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of Mr. SCANLON.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1537, (Senate Bill No. 381), entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1480, entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertisements; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

The first section was read.

On the question,

Will the House agree to the section?

Mr. FINNERTY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 2, line 9, by inserting after the word "blind" the words: "or of the blind".

Amend sec. 2, page 2, line 13, by inserting after the word "blind" the words: "and of the blind".

The amendments were agreed to.

The section was agreed to as amended.

The second, third and fourth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. FINNERTY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend the title, page 1, line 3 of title by inserting after the word "blind" the words: "and of the blind".

Amend the title, page 1, line 7 of title by inserting after the word "blind" the words: "and of the blind".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1208, (Senate Bill No. 80), entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled, "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies, creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the power of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1493, entitled:

An Act to amend the act approved the seventh day of

June one thousand nine hundred seventeen (P. L. 600), entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform their duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employes' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1494, entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1495, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes' Retirement Fund under the Administration of the State Employes' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 300, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 820, entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1283, entitled:

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds transferring all their right title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

The first section was read.

On the question,

Will the House agree to the section?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, lines 8 and 9, by striking out the words "and it shall be their duty".

The amendment was agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. PETROSKY. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words "and directing".

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1657, entitled:

An Act to amend sections one and four of the act approved the twelfth day of July one thousand nine hun-

dred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes" by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose and further providing that said short term notes may be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1658, entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class" by further regulating the manner of letting contracts relating to city affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 771, entitled:

An Act to amend subsection (d) of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act in certain cases

The first section was read.

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 1, by inserting after the word "eight" the following: "sections six hundred two and six hundred three".

Amend Sec. 1, page 5, by inserting after line 27, the following: "Section 602. Administration Fund.—There is hereby created a special fund to be known as the Administration Fund, which shall consist of all moneys or other property received by the department from the United States of America, or any agency thereof, including the Social Security Board, or from any other source whatsoever, to be used for the administration of this act. The department shall pay all costs required for the administration and operation of this act out of the Administration Fund.

In addition, any law to the contrary notwithstanding, this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department

in making disbursements arising from payments out of the Unemployment Compensation Fund, and the fund created in this section.

Section 603. State Treasurer as Custodian.—The State Treasurer shall be the custodian of the Unemployment Compensation fund and the Administration Fund. He shall give a bond or bonds with corporate sureties, conditioned upon the faithful performance of his duties as custodian of such funds, in such amount or amounts as shall be determined and fixed by the Executive Board of this Commonwealth. Premiums for such bond or bonds shall be paid by the department out of the moneys in the Administration Fund. All moneys belonging to such funds (exclusive of moneys on deposit in the Unemployment Trust Fund, as provided in section six hundred one) shall be deposited by the State Treasurer in any banks or public depositories in which general funds of the Commonwealth may be deposited, but no public deposit insurance charge or premium shall be paid out of moneys in the Unemployment Compensation Fund. Any law to the contrary notwithstanding, all payments from such funds shall be made by the State Treasurer under such systems of requisitioning and accounting as [the Governor] the State Treasurer [and secretary] shall determine with the approval of the Social Security Board.

The amendments were agreed to.

The section was agreed to as amended.

The second and third sections were separately read and agreed to.

The title was read.

On the question,

Will the House agreed to the title?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 1 of title, by inserting after the word "eight" the following: "sections six hundred two and six hundred three".

Amend title, page 2, last line of title, by inserting after the word "cease" the following: "and making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board, and making the Administration Fund subject to certain charges."

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 267, entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1429, entitled:

An Act to amend section four of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau

of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1572, entitled:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgagees by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1375, entitled:

An Act providing for the payment of moneys to school districts of the fourth class the taxes of which have been reduced by the acquisition of certain lands and property by the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. WILLIAMS. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 957, entitled:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement

system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1604, (Senate Bill No. 352), entitled:

An Act providing for the creation maintenance and operation of a county employees retirement system in counties of the fourth and fifth class imposing certain charges on counties and prescribing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1670, entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1226, entitled:

An Act to amend section one thousand two hundred and eleven of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for payment of one-fourth of fines collected for violations of said act to the counties for maintenance of prisoners committed for such violations and imposing duties on magistrates aldermen and justices of the peace

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. FRENCH. Mr. Speaker, I move that this bill be recommitted to the Committee on Game for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 329, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the

Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" eliminating some of the requirements heretofore imposed upon restaurant licenses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1302, entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1407, (Senate Bill No. 597), entitled:

An Act to further amend section seven hundred one of the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for permits authorizing possession of flesh of lawfully killed big game animals after open season therefore.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

KITTANNING BOYS BAND WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the Kittanning Boys Band, who are the guests of the gentlemen from Armstrong, Messrs. Gates and Helm, and Senator Carr.

RECONSIDERATION OF VOTE

Mr. NAGEL. Mr. Speaker, I move that the vote by which House Bill No. 1537 (Senate Bill No. 381), Printer's No. 233, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes.

was ordered to be transcribed for a third reading be reconsidered.

Mr. MALLOY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Beaver Mr. Nagel vote to transcribe the bill for a third reading?

Mr. NAGEL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Malloy vote to transcribe the bill for a third reading?

Mr. MALLOY. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. NAGEL. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

The motion was agreed to.

Mr. NAGEL. Mr. Speaker, I move that the vote by which the title and the several sections were agreed to be reconsidered.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1537, Senate Bill No. 381, Printer's No. 233, was passed over at the request of the SPEAKER.

RECONSIDERATION OF HOUSE BILL No. 1524.

Mr. McINTOSH. Mr. Speaker, I move that the vote by which House Bill No. 1524, Printer's No. 534, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class), and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act.

was defeated on Final Passage on Tuesday, May 20th, be reconsidered.

Mr. WOLF. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Cumberland, Mr. McIntosh vote on the final passage of this bill?

Mr. McINTOSH. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Berks, Mr. Wolf vote on the final passage of this bill?

Mr. WOLF. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I wanted to call to the attention of the Members of the House that this is a bill providing for a compulsory tax abatement. In the confusion which exists in connection with this type of motion, I think the Members may not be fully acquainted with what is before them and I merely desire to call the attention of the Members to what is before them at this time.

Mr. AUKER. Mr. Speaker, I desire to interrogate the gentleman from Cumberland, Mr. McIntosh.

The Speaker. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. McINTOSH. I shall, Mr. Speaker.

Mr. AUKER. Mr. Speaker, I should like to ask the gentleman from Cumberland, Mr. McIntosh if the motion

to reconsider the vote by which this bill failed of passage is made for the purpose of reconsidering the vote by which the bill passed third reading? I understand you are going to amend the bill?

Mr. McINTOSH. Mr. Speaker, I will yield to the gentleman from Westmoreland, Mr. Weiss.

The SPEAKER. The gentleman from Cumberland yields to the gentleman from Westmoreland, Mr. Weiss. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. WEISS. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Westmoreland will proceed.

Mr. WEISS. Mr. Speaker, in answer to the gentleman's question, I will say we are considering some amendments.

Mr. AUKER. Mr. Speaker, may I ask the gentleman from Westmoreland, Mr. Weiss, if they are going to amend the bill before it is brought up again for final passage?

Mr. WEISS. Mr. Speaker, the possibility is that there will be some amendments before final passage.

Mr. AUKER. Mr. Speaker, may I ask the gentleman from Westmoreland, Mr. Weiss, just what those amendments may be?

Mr. WEISS. We haven't definitely decided what they will be as yet. However, we have them in mind at the present time.

Mr. AUKER. Mr. Speaker, I thank the gentleman from Westmoreland, Mr. Weiss. In view of the fact that the proponents of this measure have signified their intention of amending the bill I will not oppose the motion.

On the question recurring,

Will the House agree to the motion?

The SPEAKER declared the "ayes" appeared to have it. Whereupon, a division was called for ninety-eight members having voted in the affirmative, thirty-eight in the negative, the question was determined in the affirmative and the motion was agreed to.

BILL POSTPONED

Mr. WEISS. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess for thirty minutes for the purpose of holding a caucus of the Democratic Members in the new House caucus room, and also for the purpose of holding a caucus of the Republican Members in the Senate caucus room. The Chair hears no objection and declares a recess for thirty minutes.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 1004. (HOUSE BILL No. 1724).

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

Referred to the Committee on Appropriations.

BILL ON SECOND READING

Mr. WOODSIDE asked and obtained unanimous consent to call up out of order House Bill No. 573, Printer's No. 708, on page 10 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 573, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one

The first section was read and agreed to.

The second section was read.

On the question,

Will the House agree to the section?

Mr. WOODSIDE. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 2, page 33, line 14 by striking out, with boldface brackets, after the word "[six]" and before the word "hundred" the word: "[five]" and inserting in lieu thereof the word: "six".

Amend section 2, page 33, line 15, by striking out, with boldface brackets, at the beginning of the line, the following: "[(\$500,000)]" and inserting in lieu thereof the following: "(\$600,000)".

On the question,

Will the House agree to the amendments?

Mr. ACHTERMAN. Mr. Speaker, I rise to oppose the particular amendment offered by the gentleman from Dauphin. The effect of this amendment would be to give to the various licensing boards an increase in appropriation from five hundred thousand dollars to six hundred thousand dollars. May I state our examination disclosed that the boards operated with reasonable efficiency on five hundred thousand dollars in the past biennium. Of course, you know, it is the old effort of the boards to try to get as much money as they possibly can. I am surprised that this happens to be the only amendment that is offered to this particular bill to cut down what our party has seen fit to appropriate. May I say, however, that the sum of five hundred thousand dollars to which this appropriation has been cut, is adequate and sufficient for the boards to operate upon and I ask the Members of the House to defeat the amendment.

Mr. WOODSIDE. Mr. Speaker, the amendment merely puts back into the bill the recommendation made by the Governor and I ask for a roll call.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. Woodside, Winner and Eckels.

Messrs. Woodside, Taylor and David P. Reese asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—95

Auker,	Gates,	Leydic.	Serrill,
Baker,	Gillan,	Lichtenwalter,	Simons,
Bentley,	Gillette,	Longo,	Slyder,
Boles,	Greenwood,	Lyons,	Sollenberger,
Boorse,	Gross,	McClester,	Sorg,
Bradley,	Gyger,	McDermott,	Stambaugh,
Bretherick,	Habbyshaw,	McDowell,	Stockham,
Brunner, C. H.,	Haines,	McFall,	Taylor,
Cadwalader,	Hall,	McKinney,	Thompson, E. F.,
Chervenak,	Hare,	McMillen,	Thompson, R. L.,
Cook,	Helm,	McSurdy,	Turner,
Cordier,	Hewitt,	Muir,	Van Alisburg,
Dairymple,	Hirsch,	Nunemacher,	Verona,
Dennison,	Huntley,	O'Connor,	Voorhees,
Dix,	Imbrie,	O'Dare,	Wagner,
Eckels,	James,	Rank,	Watkins,
Elder,	Jones, G. E.,	Rausch,	Weingartner,
Ely,	Kline,	Reagan,	Wilkinson,
Finnerty,	Knoble,	Reese, D. P.,	Winner,
Fisher,	Kolankiewicz,	Rhea,	Wood, L. H.
Fiss,	Krise,	Riley,	Woodside,
Fleming,	Lee, T. H.,	Rose, W. E.,	Yeakel,
Fletcher,	Leisch,	Sarge,	Yester,
Foor,	Levy,	Sarrafi,	

NAYS—98

Achterman,	French,	Melchiorre,	Rosenfeld,
Allmond,	Gallagher,	Mihm,	Rush,
Balthaser,	Gerard,	Modell,	Scanlon,
Bentzel,	Gryskewicz,	Monks,	Schwab,
Boney,	Haberlen,	Mooney,	Shaffer,
Breth,	Hamilton,	Moran,	Shaw,
Brown,	Harkins,	Moul,	Shepard,
Brunner, P. A.,	Harmuth,	Munley,	Skale,
Burns,	Harris,	Nagel,	Stank,
Burris,	Heatherington,	O'Brien,	Stine,
Chudoff,	Hering,	O'Mullen,	Tarr,
Cochran,	Herman,	O'Neill,	Tate,
Cohen, M. M.,	Hersch,	Owens,	Vincent,
Cohen R. E.,	Holland,	Petrosky,	Vogt,
Corrigan,	Jones, P. N.,	Pettit,	Voldow,
Croop,	Kenehan,	Polaski,	Welss,
Cullen,	Komorofski,	Polen,	Welsh, E. B.,
DiGenova,	Leonard,	Powers,	Williams,
Dolon,	Lesko,	Prosen,	Wolf,
D'Ortona,	Malloy,	Readinger,	Woodring,
Duffy,	Marks,	Reese, R. E.,	Wright,
Early,	Maxwell,	Regan,	Young,
Falkenstein,	McClanaghan,	Reynolds,	Kilroy,
Finestone,	McIntosh,	Rooney,	
Flynn,	McLane,	Rose, S.,	Speaker.

So the question was determined in the negative and the amendments were not agreed to.

(During the verification of the roll).

PERMISSION TO ADDRESS HOUSE

Mr. TROUT asked and obtained unanimous consent to address the House concerning the verification of the roll.

Mr. Speaker, during the calling of the roll the gentleman from Lancaster, Mr. Wood, the gentleman from Lancaster, Mr. Royer and myself were engaged in the Governor's office. If we had been here, we would have voted in the affirmative. Whether we can be recorded now is for the Chair to decide.

The SPEAKER. The rules provide that a Member cannot be recorded unless he is present in the hall of the House during the calling of the ayes and nays. The

statement of the gentleman will be noted upon the record.

The section was agreed to.

The third, fourth and fifth sections and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. TURNER. Mr. Speaker, I arise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TURNER. Mr. Speaker, for a number of months there have been discussions in this House on questions of subversive and unAmerican activities. The question of the teachings of patriotism, of the American way of living and American ideals has been before us on a number of occasions. The question of subversive teachers has been before this House. The question of subversive and unAmerican text books has been before this House, but Mr. Speaker, we have had during the past week a very clear indication of the kind of unAmerican sabotage that can be practiced in this Commonwealth.

On Thursday of last week one of the greatest annual events in this country was held; it was the Shad Planking contest. At that contest I was supposed to be the chief judge. I was down in the courts of Delaware County on the day the contest was held; I was delayed in getting to the contest. When I arrived at that place I found this saboteur taking charge of the proceedings. I tried to protest that as chief judge I should preside. How can you have a court without the judge? How can you have judging without the judge? But notwithstanding my protests, notwithstanding the points of order which I raised, I was steamrollered, I was squelched, I was sat down in my place, and Mr. Speaker, this is no time for levity—my feelings have been hurt.

Now, Mr. Speaker, if I had presided, you would have been certain of a fair and a square decision, not tinged with partisanship, but this saboteur of our American system of living, a component part of the government, the courts,—the courts that we respect—this saboteur brought disrespect upon the courts by presiding and by excluding any judge. Not only did he preside and exclude the judge, but he fixed the thing so that the man he represented as his publicity agent man won the first prize, and the Honorable Senator of Pennsylvania was ruled out on a technicality.

I talked to this Senator last night and he said there was something fishy about the decision. Now, Mr. Speaker, I say to you that this saboteur, who is in the House, the Honorable John M. Cummings, an alleged Columnist and newspaperman is in the House, and I think he should be brought to the bar of the House and cited for contempt; contempt,—I know he will say he has the utmost contempt for the speaker,—that is the man who is addressing the House, not for the Chair. Nevertheless, on that occasion he had contempt for this legislative body and the courts, that is two-thirds of the branches of government, the Legislature being one-third and the courts being one-third, and I certainly think he should be found guilty of contempt, and I ask that he be brought before the Bar of the House.

The SPEAKER. For the information of the gentleman from Delaware, the Speaker attended that Shad Dinner. We had word that there was collusion between the gentleman from Delaware, Mr. Turner, and the Senator from Chester, therefore, for that reason he was disqualified. We also heard his favorite dish is mud-cooked shad, therefore, I most regretfully say it is a "shad," "shad" story.

PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, I want to know whether you are not muddying the waters so we cannot get down to the real issue of mud-cooked shad which was far, according to all the people that I interviewed, and that was one person, better than any of the rest, but that is not the issue, whether I was prejudiced or not.

If I were ruled out then the gentleman from Philadelphia, Mr. Cummings, a Fifth Columnist,—I mean the columnist of one of our newspapers, was certainly more partisan than I ever thought of being.

The SPEAKER. If there is no objection, the Chair will direct the Sergeant-At-Arms to escort the gentleman from Philadelphia, Mr. Cummings, to the Bar of the House to answer to the charge that has been brought against him.

Mr. John M. Cummings was brought before the Bar of the House.

Mr. TURNER. Mr. Speaker, I ask that either the gentleman from Philadelphia, Mr. Cohen or the gentleman from Philadelphia, Mr. Levy be appointed by the Speaker to represent this saboteur, because I think he is in such a terrible hole that he will need a Philadelphia lawyer to get him out.

The SPEAKER. Is there a good Philadelphia lawyer in the House? The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, whom the Chair appoints as counsel to represent the accused.

Mr. JOHN H. CUMMINGS. Mr. Speaker, we will try to artistically dress up the gentleman who normally needs no defense, but if the gentleman from Delaware, Mr. Turner, is trying to pick a bone I suggest that he stick to the plank of the Republican Party and leave the shad alone.

Mr. REUBEN E. COHEN. Mr. Speaker, if the gentleman will meet me in room 1016 of the Harrisburger tonight, dealer's choice, we might get down to the question of the fee, but if he wants to move into the sixteenth or the twentieth wards, then I will have to represent him free of charge the same as I do all the others.

Mr. JOHN M. CUMMINGS. Mr. Speaker and gentlemen of the House, as I understand it, this bill of indictment has been drawn by the gentleman from Delaware, Mr. Turner, the first time I ever heard of a Republican from Delaware County complaining about the judicial process or its subsequent developments. A charge of that kind emanating from Delaware County will not hold water.

The SPEAKER. There is a leak somewhere.

Mr. JOHN M. CUMMINGS. Mr. Speaker, you are acquainted with the occasion in question; there was a judge selected, a head judge or a chief judge. Mr. Turner says

he was supposed to have been the judge. Well, there is a great difference between a supposition and an actual fact, but whether he was a judge in his own mind or a judge by actual appointment makes little difference. He was very late in appearing. The shad had been consumed then. He was not competent to judge for himself the quality of the shad.

The question that arose was a technical one, and not so technical at that. Senator Scarlett, one of the competitors, was detected in the act of stealing a piece of ice. The rules of International Shad Contests adopted at Geneva in 1898, requires that every contestant come fully provided with the proper facilities for cooking the shad. Senator Scarlett failed to fulfill that rule, and he was ruled out of order and out of the contest, and the decision was rendered by the Speaker of this House after consultation with his Parliamentarian. He was afraid to do that on his own hook, so he called in the Parliamentarian.

The decision was that Senator Scarlett was ruled out of the contest. The first prize was awarded to John Young of York, a great and distinguished shad plunker. The second prize went to the gentleman from Montgomery, Mr. Zimmer Platt, who also turned out a very nice product.

I have no fault to find with Senator Scarlett; he is a very nice man, but rules are rules. This House,—where would it be without its rules? Where is it anyhow with its rules? We have been here since last January with all your rules, and you haven't done anything except try to steal Joe Widener's art from Philadelphia and put it down in Washington.

The distinguished counsel that you have appointed here, if I may digress for a moment on that subject, Mr. Cohen, who has been appointed counsel for me,—I appreciate his kind services; he comes from the sixteenth or twentieth ward in Philadelphia, where there are great connoisseurs of art. The great Dave Lane came from the twentieth ward and he worked with Mr. Widener in building up the great fortune that enabled Mr. Widener to buy this art collection.

Mr. Widener was a butcher and Mr. Lane helped him out in selling his meat. We in Philadelphia have consumed hundreds of tons of Joe Weidener's lamb to help him accumulate this great art collection. Afterwards Mr. Weidener, through his friend Dave Lane, acquired a lot of franchises and as we rode the trolley cars and helped with our nickels and dimes and tokens to accumulate this great art collection.

POINT OF ORDER

Mr. BREThERICK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. BREThERICK. Mr. Speaker, the gentleman is not talking on the subject of fish.

Mr. JOHN M. CUMMINGS. Yes, Mr. Speaker, we are getting down to fish.

The SPEAKER. The gentleman will proceed to fish.

Mr. JOHN M. CUMMINGS. Mr. Speaker and gentlemen of the House, the kind of fish we are now discussing concern some of Mr. Wagner's art. If you ever saw some of this art down there, the nudes, are some of the finest

in the country. Now, a nude can be presentable and cannot be presentable. Some of the nudes that some of these old timers painted, why even the Speaker of the House would not go around the corner to see.

The SPEAKER. Don't be sure about that.

Mr. JOHN M. CUMMINGS. Mr. Speaker, getting back to the charges that have been levelled here today, the contents at Round Top, as the Speaker will testify, was conducted on the level and I for myself move you, Mr. Speaker, that I be discharged from the contempt proceedings of the House, which I in turn hold in contempt, and be returned to my seat.

The SPEAKER. For the information of the House, the real reason the Senator from Chester was disqualified was that there were about sixty people present and he only had one shad.

Mr. REUBEN E. COHEN. Mr. Speaker, I don't know what Senator Scarlett had to do with the shad, but on behalf of myself and my client, I plead guilty and I throw myself on the mercy of the court.

The SPEAKER. The Lord have mercy on his soul.

Mr. BRETHERICK. Mr. Speaker, I think someone ought to arise in defense of a colleague from his own county. If the gentleman from Delaware had not been floundering around with a lot of sharks from Philadelphia and some sucker from Allegheny who would drive eighty miles an hour on the Pike, he might have presided. While there were many croakers present, a "whale" of a time was had by all.

The SPEAKER. That was a very fine talk, it even "smelt" good. The proceedings under the contempt charge are dismissed.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 364, as follows:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment estab-

lishing an elective schedule of compensation providing procedure for the termination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" is hereby amended to read as follows

Section 1 In addition to those persons included within the definition of the word "employee" as defined in section one hundred and four of the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine there shall be included all numbers of volunteer fire companies or volunteer fire departments of the various cities boroughs incorporated towns and townships who shall be and are hereby declared to be "employees" of such cities boroughs incorporated towns townships for all the purposes of said act and shall be entitled to receive compensation in case of injuries received while actually engaged as firemen or while going to or returning from any fire which the fire companies or fire department of which they are members shall have attended or while performing any other duties of such companies or fire department authorized by such cities boroughs incorporated towns and townships

Section 2 This act shall become effective ten days after final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarra,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Boorse,	Gryskewicz,	McKinney,	Simons,
Bower,	Gyger,	McLanahan,	Skale,
Bradley,	Habbyshaw,	McLane,	Snyder,
Breth,	Haberlen,	McMillen,	Sollenberger,
Bretherick,	Haines,	McSurdy,	Sorg,
Brown,	Hall,	Melchiorre,	Stambaugh,
Brunner, C. H.,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Harkins,	Monks,	Stockham,
Burris,	Harmuth,	Mooney,	Tarr,
Cadwalader,	Harris,	Moran,	Tate,
Chervenak,	Heatherington,	Moul,	Taylor,
Chudoff,	Helm,	Muir,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Waldow,
Dairymple,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Wells,
D'Ortona,	Kenehan,	Powers,	Welsh, E. B.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winnor,
Elder,	Komorowski,	Readinger,	Wolf,
Elliot,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
	Leisey,	Regan,	Woodside,

Finestone,	Leonard,	Reynolds,	Wright,
Finnerty,	Lesko,	Rhea,	Yeakel,
Fisher,	Levy,	Riley,	Yester,
Fiss,	Leydic.	Rooney,	Young,
Fleming,	Lichtenwalter,	Rose, S.,	Kilroy,
Fletcher,	Longo,	Rose, W. E.,	Speaker.
Flynn,	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1021, as follows:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding immediately after section six hundred and seventeen thereof a new section to read as follows

Section 617.1 Whenever any school building or buildings have been rendered totally unfit for use by reason of fire acts of God obsolescence overcrowding inadequacy or lack of facilities or other unforeseen cause the board of school directors of any school district shall have power to appropriate money out of the general fund of the school district to any non-profit corporation established for the purpose of constructing school buildings for the use of the school district Provided That before any such money is paid over the corporation shall have entered into a lease with the school district for the buildings proposed to be erected whereby the school district shall have the right to renew such lease at stated periods at a stipulated rental and at any time during the continuance of the lease to purchase the buildings from the corporation at a stipulated price provided however that none of the powers granted by this act shall be used by the board of school directors of said school district without the specific and written approval of the State Department of Public Instruction

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205			
Achterman,	Foor,	Lyons,	Rose, W. E.,
Allmond,	French,	Malloy,	Rosenfeld,
Auker,	Gallagher,	Marks,	Royer,
Baker,	Gates,	Maxwell,	Rush,
Balthaser,	Gerard,	McClanaghan,	Sarge,
Baughner,	Gillan,	McClester,	Sarraff,
Bentley,	Gillette,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Boney,	Gross,	McGrath,	Shaffer,
Boorse,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habyschaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank,
Burris,	Harmuth,	Ionks,	Stine,
Cadwalader,	Harris,	Mooney,	Stockham,
Chervenak,	Heatherington,	Moran,	Tarr,
Chudoff,	Helmi,	Moul,	Tate,
Cochran,	Hering,	Muir,	Taylor,
Cohen, M. M.,	Herman,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, R. L.,
Cook,	Hewitt,	Nunemacher,	Trout,
Cordier,	Hirsch,	O'Brien,	Turner,
Corrigan,	Holland,	O'Connor,	VanAilsburg,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Verona,
Dairymple,	Jam. J.,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
DiGenova,	Jone G. E.,	Petrosky,	Voorhees,
Dix,	Jones, P. N.,	Pettit,	Wagner,
Dolon,	Keenan,	Polaski,	Watkins,
D'Ortona,	Kenehan,	Polen,	Weingartner,
Duffy,	Kilne,	Powers,	Wells,
Early,	Knoble,	Prosen,	Welsh, E. B.,
Eckels,	Kolankiewicz,	Rank,	Wilkinson,
Elder,	Komorowski,	Rausch,	Williams,
Elliott,	Krise,	Readinger,	Winner,
Ely,	Lee, A.,	Reagan,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Finestone,	Lelsey,	Reese, R. E.,	Wood, N.,
Finnerty,	Leonard,	Regan,	Woodring,
Fisher,	Lesko,	Reynolds,	Woodside,
Fiss,	Levy,	Rhea,	Wright,
Fleming,	Leydic,	Riley,	Yeakel,
Fletcher,	Lichtenwalter,	Rooney,	Yester,
Flynn,	Longo,	Rose, S.,	Young,
			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1098, as follows:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide

for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" is hereby amended to read as follows

Section 408 Support Orders The court may in any case make an order upon the parent or parents guardian or other relative legally responsible for the support of such child to contribute such sum for the support of the child as it may determine The court shall have power to enforce any such support order in like manner as courts of quarter sessions may enforce orders for support under the laws of this Commonwealth

Where a child is placed in a suitable family home or institution for child care not maintained by the county or State and the payment of board and other support is required in case provision is not made for such board and other support by voluntary contribution or court order on the parent or parents guardian or other relative legally responsible for the support of such child the court [may] shall direct that such board and the expense of clothing and necessary medical and surgical care be paid either by the city or county institution district liability to be determined on the basis of the legal settlement of the child at the time of assumption of jurisdiction of the Juvenile Court until provision is made for the placing of such child in a suitable family home without payment of board In all cases of children now being maintained in family homes or institutions for child care the judge of the Juvenile Court shall make a finding as to the legal settlement of the child at the time of assumption of jurisdiction by the Court and shall make an order effective January 1 1942 upon the appropriate city or county institution district for the future board and other support of such child

In the case of the commitment of a child to an industrial training school or other correctional institution the court [may] order the county to pay for the board and clothing and of necessary medical and surgical attendance upon and the care of such child and its maintenance generally and the necessary expenses of placing and replacing the child and may fix the amount which shall be paid for the child Provided That in all cases of commitments to industrial training schools that are not exclusively under State control or that are exclusively under State control the amount of the order for maintenance clothing instruction medical and surgical care shall be fixed according to existing legislation governing the payment of expenses of maintenance clothing instruction medical and surgical care of children committed to such institution

In all cases where the cost of board or care and maintenance of a child has been ordered paid by the city or county institution district or county [it] said city or county institution district or county shall be directly liable to the person family association society or institution having the care guidance and control of the child but the city or county institution district or county shall

in all cases have full course to recover the amounts so paid from the person or persons or institution districts or poor district liable for the support of such child

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman.	Flynn,	Lyons,	Rosenfeld,
Allmond.	Foor,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gerard,	McClanaghan,	Sarra,
Baugner,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Brunner, C. H.	Haberlen,	McLane,	Snyder,
Brunner, P. A.	Haines,	McMillen,	Sollenberger,
Breth,	Hall,	McSurdy,	Sorg,
Bretherick,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Brown,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cochran, M. M.	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Conger,	Hirsch,	O'Brien,	Van Alsbury,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
D'Ortona,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Polen,	Weiss,
Duffy,	Kilne,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Wilkinson,
Eckels,	Kolankiewicz,	Rank,	Williams,
Elder,	Komorowski,	Rausch,	Winnor,
Elliot,	Krise,	Readinger,	Wolf,
Elv,	Lee, E. A.,	Reagan,	Wood, L. P.,
Falkenstein,	Lee, T. H.	Reese, D. P.,	Wood, N.,
Finestone,	Lelsey,	Reese, R. E.,	Woodring,
Finnerty,	Leonard,	Regan,	Woodside,
Fisher,	Lesko,	Reynolds,	Wright,
Fiss,	Levy,	Rhea,	Yeakel,
Fleming,	Leydic,	Riley,	Yester,
Fletcher,	Lichtenwaiser,	Rooney,	Young,
	Longo,	Rose, S.,	Kilroy,
		Rose, W. E.,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. TURNER asked and obtained unanimous consent to call up House Bill No. 849, Printer's No. 707, on page 14, of today's calendar, bills on final passage, for the purpose of amendment.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 849, entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill was agreed to on third reading be reconsidered.

Mr. ROSENFELD. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger vote on agreeing to the bill on third reading?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Rosenfeld vote on agreeing to the bill on third reading?

Mr. ROSENFELD. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend as follows: Section 1, Section 8.2, Page 13, lines 15 to 19 inclusive, by striking out all of said lines.

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

Mr. ROSENFELD. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1 (Sec. 8), page 13, by inserting between lines 6 and 7, the following: "In cities of the first class, all hearings shall be held before a magistrate who shall hear such purported violations for one month only, and thereafter another magistrate shall be assigned to hear such cases until all magistrates of such city have been assigned to such hearings. It is hereby declared to be the legislative intent that there be a rotation of magistrates assigned to such hearings in the same manner as that provided by section eleven of the "Magistrates' Court Act of 1937," approved the fifteenth day of June (P. L. 1743).

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

HOUSE BILL No. 571 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 571, Printer's No. 697, on page 24 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 571, as follows:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred thirty million three hundred seventy thousand dollars (\$130,370,000) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistant administrative expenses of liquidating the State Emergency Relief Board attorneys' fees and court costs accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act the Governor the Auditor General and the State Treasurer or the majority thereof shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively such sums as may be deemed necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations.

On the question,
Will the House agree to the bill on third reading?
It was agreed to.

On the question,
Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether he feels in his set-up of the budget there is available for appropriation at this time the amount that is contained in this bill.

Mr. ACHTERMAN. I do, Mr. Speaker.

Mr. WOODSIDE. I would like to know from the gentleman whether he has taken into account the appropriation that was made for relief for the remainder of this biennium since the budget message was delivered to the House on February third.

Mr. ACHTERMAN. I have, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman whether he realizes that the general appropriation and all appropriations that are for relief have been used during the present administration and the last administration as items which would be up or down in order to generally balance the budget?

Mr. ACHTERMAN. Mr. Speaker, answering that, it is rather difficult to tell what the Governor expected out of the one hundred and thirty-one million dollars plus. I notice he is going to pay some particular borrowings this year out of this particular fund. So I suppose he uses it as some form of barometer, goodness knows what.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Monroe, has not answered my question as apparently he does not understand it. I want to know from the gentleman whether he realizes in the making up of the budget the Governor always uses the appropriation for relief as the final bill concerning appropriations.

Mr. ACHTERMAN. I doubt, Mr. Speaker, if it makes a great deal of difference, due to the fact that I computed the budget on the money that is available, the tax program.

Mr. WOODSIDE. Mr. Speaker, the gentleman is going into a matter that I would like to debate with him for the next ten hours if he wishes to do so.

Mr. ACHTERMAN. Mr. Speaker, may I answer that second question or shall I complete the answer to the first one?

Mr. WOODSIDE. Mr. Speaker, I asked a question which the gentleman is now dodging, but if he wishes to answer it I will be glad to have him do so.

Mr. ACHTERMAN. Mr. Speaker, if the gentleman means do I know what the Governor's custom was, no, I do not know what his custom was.

Mr. WOODSIDE. Mr. Speaker, I asked the gentleman whether he knows what the custom was in making up all budgets, not only during the present administration but in the past. Of course the gentleman does not seem to know, so we will pass that matter over.

I would like to know from the gentleman whether or not he considers now that the one hundred thirty-one million dollars will be a sufficient appropriation to carry relief all through the present biennium.

Mr. ACHTERMAN. Answering that Mr. Speaker, on

the basis of the amount which the present administration is giving to those individuals unfortunate enough to be on relief, I would say that very likely the amount would be sufficient, especially in view of the fact that the defense program has fortunately removed some of them from the relief rolls. I would say at least with the standards which they are furnishing that the amount should be sufficient to carry it into the next regular session of the Legislature.

Mr. WOODSIDE. Mr. Speaker, does the gentleman feel that the present trend would indicate that the \$131,000,000 will be sufficient to carry through the biennium?

Mr. ACHTERMAN. Mr. Speaker, I believe I have already given an answer to that by saying that I believe it will be sufficient at least to carry it into the next regular session of the Legislature, that is 1943, so that there will be no need for a special session of the Legislature.

Mr. WOODSIDE. Mr. Speaker, I assume from that that the gentleman feels there will not be sufficient to carry through until the end of the biennium, but that it will be sufficient only to carry to the next regular session of the Legislature, that is 1943, is that correct?

Mr. ACHTERMAN. Mr. Speaker, the gentleman has no right to assume that. If the National Defense Program continues at the rate at which it is now going, and if three shifts become the regular order of the day for employment then I would say that the \$131,000,000 provided for in the bill will be more than adequate and that there will be a saving, an actual saving, a recapture out of the amount provided for in the bill.

Mr. WOODSIDE. At the end of the biennium, Mr. Speaker?

Mr. ACHTERMAN. Mr. Speaker, under the conditions which I mentioned.

Mr. WOODSIDE. Mr. Speaker, the conditions which the gentleman has mentioned are that the present economic condition will continue in the same status in which it is at the present time?

Mr. ACHTERMAN. No, Mr. Speaker, I stated that if the program of rearmament will finally result in the employment of three shifts per day the amount of employment should be sufficient to take off every one that is now on relief that is capable of working.

Mr. WOODSIDE. Mr. Speaker, and if everybody is taken off relief that is capable of working, what would the gentleman say the monthly amount payable for relief under the present standard of payment would be?

Mr. ACHTERMAN. Mr. Speaker, I can only base my figures on that which has been given to me by the Secretary of the Department of Public Assistance. His figures indicate possibly five million dollars a month or one hundred and twenty million dollars for the biennium. However, even there, frankly the figures were not necessarily static because the change of conditions of employables in the family might remove certain recipients of old-age assistance and of other forms of assistance from the rolls. It is a rather difficult question to answer without making reservations to the answer.

Mr. WOODSIDE. That is all for the moment, Mr. Speaker.

Mr. Speaker, after approximately four months we have been hearing from the other side statements that the budget of the Governor was not honest. I am interested in how the dishonesty of the budget results.

The first statement of the gentleman, and this is the "charity" part of that famous "faith, hope, and charity" speech, was that the budget was not honest in that it did not provide sufficient funds for relief, and so he put in a bill to provide for two hundred million dollars for relief. He says that the budget of the Governor is dishonest; it is dishonest because it does not provide sufficient money for relief. Then, time marches on, and now they turn around and say, "Oh, yes, the situation is different. We now expect that this will be enough money to pay for relief during the entire biennium. As a matter of fact, there might even be some left over at the end of the biennium." Therefore, this budget which they say is dishonest in not providing a sufficient amount for relief on February 3rd, by estimating the cost of relief at seventeen million dollars less than what the gentlemen on the other side felt it should be, it now develops that it contains sufficient money for relief. So, taking this shift in the "hope" attitude of the gentleman's famous "faith, hope, and charity" speech, we now have a complete turn-around in the "charity" part of that speech. As I say, this dishonest budget which happened to be dishonest on the one side on February 3rd, now is turned around and is dishonest on the other side of the picture. So we come along, first on one side and then on the other, first it is too high, then it is too low; first it is too much, then it is not enough.

As a matter of fact, the gentleman is passing here on budget items which do not fit into the budget picture at all, as the gentleman well knows. I mean by that that the unofficial budget which the gentleman from Monroe has submitted to this House does not fit into the picture at all. It is the Governor's budget item for relief made up as it was on February 3, containing an item which was in fact a cushion at that time. The amount appropriated as absolutely necessary during the biennium on February 3 when the budget was submitted was \$120,000,000 and \$11,000,000 as a cushion item which was added on to it because if there was any additional amount of course it should be added to the relief appropriation because it is impossible to estimate with any great degree of accuracy exactly how much money was going to be needed for relief. Of course, this Defense Program which the gentleman has talked about, the economic situation as it exists today is not as promising as it was thought to be eight or ten months ago; it is not as promising as it was three or four months ago, as a matter of fact. Relief, therefore, still continues to be a larger burden than we hoped it would be. Of course, it is necessary to make appropriations for relief of as much money as is available in the State funds, and we propose to do it. But when this whole budget picture is set up the gentleman on the other side is going to see, as I think in fact he sees at the present time, that under this set-up there is not now available for relief the sum of \$131,000,000 or any sum near that amount. The gentleman on the other side, if he would be honest with the Members of this House and with the Commonwealth of Pennsylvania would tell you that fact today, but he is playing the old game, "We are going to decrease the taxes, we are to charge an increased amount of deficit, we are going to increase the appropriations, we are going to say to the Commonwealth of Pennsylvania, 'Look at what we have done, we have given you your cake, we have permitted

you to eat it and yet you still have it'".

That is the kind of budget which the Democrats in this House, or rather the gentleman from Monroe, Mr. Achterman, is presenting to this House in his budget recommendation.

Mr. ACHTERMAN. Mr. Speaker, I assumed in our figures that certain tax measures would be enacted by not only this House but by the Senate, especially in view of the fact that the particular tax measures are now the adopted children of the Republican Party. True they are emergency measures which will die on the last day of May and need re-enactment in order that there will be revenue produced for the Commonwealth of Pennsylvania, but since they are so close to the Republican party I have little doubt that they will become effective measures again and that the funds will then be available. The position of this House is not out of line with the ordinary procedure in matters of this kind. Tax measures are now in the Senate and I assume are receiving consideration since they are Republican tax measures, with certain reductions that are Democratic ideas upon the subject, so that the passage of this measure over to the Senate is only a part of companion legislation, and the tax legislation certainly cannot be condemned or criticized at this moment. If we want to follow the thoughts of the gentleman perhaps we would have to hold up the relief measures and the general appropriations bill as a matter of course until not only the Senate has passed the tax measures but the Governor has actually signed them. That has never been the custom in this House, as the gentleman well knows, and we do not intend to change the usual procedure in this House just because the gentleman might wish it so.

Mr. Speaker, in relation to the amount, may I say to the membership of this House that employment in Pennsylvania is in excess of three million four hundred thousand individuals, an increase in the year of over forty-four per cent? May I add that the greater portion, or a substantial portion of that increase has occurred in the last three or four months, making a completely different picture of the situation than that which we viewed at the beginning of this year.

May I say frankly that the figures we originally advanced were found to be in error, and finding them in error we treated them honestly, we have so admitted and have so stated and we are passing legislation in line with the facts as we find them now to be. In other words, perhaps it wouldn't hurt the Republican party, finding their estimates to be in error, and they are in error, to admit frankly that "the situation has changed materially from the time we first prepared and presented our figures and we are ready to concede that we are in error, an honest error, of course, but an error that changes the entire set up." The gentleman says, "Oh, it is wrong to pass this measure at this time." May I say that the Senate passed a bill for eleven million dollars devoted to the same subject for the coming biennium. Certainly there is nothing wrong with that and I do not criticize it, but if we were to follow the philosophy of the gentleman from Dauphin, if we were to use the same logic, we would say, these bills should not proceed. Wait until we see where the money is coming from; wait until the emergency tax bills are passed in the House."

Mr. WOODSIDE. Mr. Speaker, the gentleman from

Monroe has put words into my mouth which I did not use. I did not say that this bill should not be passed; I did not say that there should be no relief appropriation made at this time; I did not say it was necessary for the House to wait until the tax bills were passed before we passed the appropriation bill. What I did say was that the gentleman in his own personal budget which he submitted to the House last night is not fair and honest in stating that the amount available for this appropriation is one hundred thirty-one million dollars or anything near that sum, because as a matter of fact it is not. I am saying that the majority party of this House is trying to fool the people on relief; trying to fool the taxpayers and the people of Pennsylvania by stating to them that there is available for relief under their unofficial budget the sum of one hundred thirty-one million dollars. Of course, we have got to provide money for relief.

The gentleman has raised a question on the bill which has just come over from the Senate and which the Appropriations Committee has reported out to be read for the first time today. It has always been the custom of this House in the Appropriations Committee of the House to see that relief would not break down, but does the gentleman have any concern about it? No, and it was necessary to introduce the bill in the Senate and put it through in order that relief would not break down on June 2d. The gentlemen knew about it. I called their attention to it several times. I called their attention to it on the floor of the House on more than one occasion. It is absolutely necessary to have signed by the Governor by June 2d an appropriation bill for relief or else relief checks on June 2d will not go out. Yet, the gentlemen did nothing about it. They held this appropriation bill, they knew that this item was in the budget from the third day of February of this year, and yet they did nothing about it until this day when they now pass over to the Senate this bill.

I say to you, Mr. Speaker, that this whole program should have gone over to the Senate long ago.

I stood here and I warned the gentleman as to what was coming. But, no, you were not concerned about it, you were going to hold up these bills until the time relief would break down, and then you would go up and down the state of Pennsylvania and say, "See what we told you in our campaign in 1938, that Arthur James would not take care of you on relief." You were willing to let the whole system break down, you were trying to put the Republican party in a box, you were trying to put the people of Pennsylvania in a box and by so doing you would place the Republican party in a box. You had no concern about the people who were going to be without relief on June 2nd; you held this bill in committee from the time it was introduced—I don't know when, but early in February or March; you knew about the amount recommended in the budget on February 3, your Appropriations Committee knew about that. Did you put in any special bill to take care of the emergency? No sir, you were going to pass today a bill which was in your committee, the amount of which you knew from the third day of February, and today you are going to pass that bill over to the Senate and say, "Here is a matter of grave importance to the Commonwealth of Pennsylvania that ought to be passed before June 2." You are going to ask the Senate to sit here on Saturday, I suppose, to pass this bill, to stay over for three consecutive days to consider

a matter which you had in your committee for four months. That is not fair to the Senate, that is not fair to the people of the Commonwealth of Pennsylvania. You had an alternative in the matter and I called your attention to that alternative some time ago. That was to put in another bill, you could put it through in order that there would be temporary relief. You had no concern about it, you did nothing about it. You passed it over to the Senate and you are now taking action on this bill for the first time, with the hope of getting it passed so that the people on relief will be able to get their checks in June.

It was the action of the Senate which made that possible. I say to you, Mr. Speaker, we are not complaining about the amount of appropriation for relief, we are not saying that the Appropriation Bill should not be passed in the sum of \$130,000,000; there is not a man in this House who is going to vote against the Appropriation Bill, I am sure, but I say to you that the amount which has been set forth in that bill by the Appropriations Committee at this time in their consideration, and mark you this, this is important, in consideration of the other items contained in your unofficial budget, there is not now available for relief the amount which is contained in this bill.

Mr. HOLLAND. Mr. Speaker, I sort of sympathize with the minority floor leader for being placed in the position where his blood pressure has gone up quite a few degrees because he finds himself in the position that was so ably described in an editorial appearing in the Pittsburgh Press last night. The heading of the editorial is "Mr. James' Dilemma." The article then goes on as follows:

"Governor Arthur H. James was elected on a platform calling for economy and reduction of taxes, and never made good on either. Not one of the "emergency taxes" enacted during the administration of his predecessor, Governor George H. Earle, has been eliminated or reduced.

"Now it is indicated that tax revenue during his administration will be approximately 91 million dollars greater than during that of Mr. Earle due to economic recovery and particularly to the defense program. Thus, even without cutting expenditures, it would seem that Mr. James could finally make good on some portion of his pledge to reduce taxes. But still he has made no move.

"The Democratic House of Representatives has seized on this situation as a reason for cutting the personal property tax levy by one mill and the tax on bank shares by the same amount. Which leaves Mr. James in a pretty sorry position. If he opposes this reduction—in face of the fact that improved business has raised revenues by many millions—then it is a complete admission that he wasn't anywhere near right in his pre-election pledges. And if he doesn't oppose the cuts he gives to the Democrats the credit for taking the first practical step to carry out the platform upon which he was elected.

"All of which again demonstrates that nobody is doing such effective work to kill the Republican party in this state as are the leaders of that party."

Mr. TURNER. Mr. Speaker, I had not intended to speak on this question because I felt that the gentleman from Dauphin, Mr. Woodside, had covered the ground so well and so ably, it did not need any further comment. But the remarks of the gentleman from Allegheny, Mr. Holland, leave me no other alternative than to say two or three things that were in my mind last night, but because of the lateness of the hour I did not want to continue the debate at that time with the gentleman from Monroe.

In the first place, I would like to ask all these experts

on economy, all these experts on State financing, what they would have cut in the last two years in order to have reduced the total expenditures of the state government? The Governor did cut within his own department those amounts which he could cut and which by reason of the personnel and other arrangements he could make a reduction. The Governor was left with two things, a deficit first, and in the second place he was left with increased expenditures that had been placed upon the state during the former administration. I am not going to argue whether those were proper or not, but on the pure question of supplying the necessary appropriations for the General State Authority, for the buildings which have been erected, the amounts of increased expenditures in the state, practically wiped out the savings which the Governor had in mind and which the Governor could have made. Now, anyone can reduce taxes if they use the simple expedient used by the gentleman from Monroe, Mr. Achterman, simply waving your hand and increasing the estimate of the amount of revenue which you expect to get. That would be a very fine way. I say to you if you want to do it on that basis why don't you wipe out the entire four mill tax? Why this puny little one mill reduction? Why not pass a bill wiping out the four mill tax entirely?

The gentleman from Monroe, Mr. Achterman, talks about ninety billion dollars income in Pennsylvania which he expects during 1941. I have read where the administration in Washington expects to have one hundred billion dollars income during the next year or two by raising taxation that is necessary in the United States. It is that vicious circle, you borrow more money, you spend more money, you increase the national income, you increase the amount of taxes, and then you get it back. I do not know how I can follow that kind of wisdom, it never sounded like common sense to me. The efforts of the gentleman from Monroe and the efforts of the Democratic party and the efforts of the defenders of the Democratic party, according to this sort of statement which the gentleman from Allegheny, Mr. Holland, has read, is the same sort of expedient that anyone can use. However, if you are actually going to carry on the state government, you do not carry it on estimates, you carry it on the actual amount of money which is in the treasury and the actual amount of money which you receive from taxation in the Commonwealth of Pennsylvania, the actual amount which is collected and returned into the treasury of the Commonwealth. That is what you have to go on. It may be all right to figure that you can take the percentage of national income, that you can take the percentage of increase of the national income figure that increase, and then take the amount of increase in certain taxes during the last two years, and on that you can prognosticate that you will have enough money in the next year in order that you can make tax reductions, but that is not common sense. I think anyone who knows anything about state government, state financing, anyone who knows anything in a common sense way about finances any money and taxes and the cost of government, ought to know that that you can not do it with that kind of method. You must arrive at the actual facts, using hard-headed methods, and in the end there is only one thing that counts, and that is, can you get enough money in to run the business of the government? If you cannot, you will have a deficit, you must abate certain appropriations,

and you would be in an awful mess.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin, Mr. Woodside, complained about the short amount of time that the Senate would have to consider this measure if they were to pass it to be effective on June 2nd. May I state, Mr. Speaker, that the Senate has had the same length of time to consider not only the budget but the relief problem as has the House. Both the Houses were in session; they knew that this problem was theirs as much as it was ours. We had every right to assume that they would devote the same time and study to it as we did. Apparently they have not. I confine my remarks to the mere assertion that they have not had enough time. In that respect may I point to the particular stop-gap bill which they passed and sent to this House, involving some eleven million dollars, which would seem to indicate that they feel that they need approximately two months more to study the problem. Had we presented different tax measures, had we presented different subjects for consideration other than those that were in the Governor's budget, then perhaps I could understand why they would need more time for study, but the subjects that we studied are the same subjects that they should have studied, and certainly it comes with poor grace to now say that the Senate is not ready to proceed, that it needs more time to study, apparently two months more of time to study.

May I say to the gentleman from Delaware, Mr. Turner, that he might be surprised as to the method the Revenue Department uses in computing or anticipating taxes. Odd to say, they endeavor to estimate improved conditions, and have recourse to charts indicating an upswing or a down-swing in business. One thing they do not do, they stop their consideration at one particular day without any thought as to whether the business trend will continue or whether it will level off at one particular point. That happens to be the error in the budget estimates, as the Governor has submitted them to this House.

Therefore, after all, Mr. Speaker, what the Democratic party did in estimating receipts and revenues, is sound business practice, far more sound than the practice followed for two years by the Republican party while they were running the state through the wringer in order to reduce expenses, with an expenditure far in excess of any that we have ever had in any Administration heretofore. We understand their methods and we know where they could have made cuts and have saved millions. In other words, they should have made a decrease in expenditures which they spoke about at the beginning of their campaign, a decrease of twenty percent,—a twenty percent decrease that never has occurred. Instead of that what do we have? Increased payrolls, increased expenditures of money, increases shown by their own study.

Mr. Speaker, that is one of the reasons why they find themselves short, with an increased deficit at the end of the biennium instead of wiping out what they term a deficit. If they had practiced the economy they promised they would not be compelled to come in every once in a while and say, "We found another deficit that the Earle administration left us." I am saying, in other words, Mr. Speaker, they would not need to attempt to charge a 20 million, then 30 million, then 60 million and then 70 million deficit. They would have been able to level off. I am saying that the deficit they now have is the deficit of their own party and not ours.

Mr. WOODSIDE. Mr. Speaker, I expected to make some of these remarks later on concerning the budget, but since the question has revolved pretty much around the budget I will discuss that phase of it now with the consent of the House.

In the first place let me say the gentleman has mentioned in his argument that the salaries in the public administration have been high, that we could have saved money if we had cut them down. The gentleman knows that that statement is absolutely not true; that just is not the situation. I have produced a number of times in the record statistics to prove that fact. I know that they are correct and there has been no answer made to that fact. That again is some of the dust that is being thrown by the gentleman on the other side.

Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I have here the tenth biennial budget as unofficially prepared by the gentleman from Monroe, Mr. Achterman, I am referring to page 2 of his statement. If the gentleman will get it he can follow along better.

Mr. Speaker, I refer the gentleman to the fourth paragraph on page two which states as follows:

"Having determined by this method the factors upon which can be based increased revenues in the Commonwealth of Pennsylvania for the fiscal years, 1941-1943, we made a close study of the actual receipts for the present and past fiscal years in order to determine which revenue remains static."

I ask the gentleman which revenues he found that remained static?

Mr. ACHTERMAN. Mr. Speaker, those revenues in the back of the report, section 2, we have not increased, pages 1, 2 and 3 in the back of the report.

Mr. WOODSIDE. Mr. Speaker, has the gentleman found any revenues which have a history of decreasing rather than of remaining static?

Mr. ACHTERMAN. Mr. Speaker, we found one in the emergency field with a decrease. In connection with that decrease may I say that the Revenue Department indicated that possibly with a few more investigators they could collect a half million dollars more. I am speaking of the personal property tax. May I add in connection with that that the city of Philadelphia, the county of Philadelphia, has shown something like one half million dollars increase in receipts over the past year. I am wondering whether the fact that there is a decrease in the receipts for this biennium may not be due to the Revenue Department rather than to a lack of taxable property upon which they could receive revenue? However, we treated it in the same manner in which the Governor's office treated it.

Mr. WOODSIDE. Mr. Speaker, the gentleman of course is going far afield. I might refer to something which I am sure would help him along a little bit in the consideration of that great opportunity which Appropriations Committee had to decrease the appropriations to the Department of Revenue. Does the gentleman find any other revenues which show a history of bringing in a less amount each year?

Mr. ACHTERMAN. Mr. Speaker, in some minor items, yes.

Mr. WOODSIDE. Mr. Speaker, did the gentleman decrease any of the estimates of revenue as a result of those findings?

Mr. ACHTERMAN. Mr. Speaker, I believe in one or two instances I did.

Mr. WOODSIDE. Mr. Speaker, will the gentleman point out where?

Mr. ACHTERMAN. Mr. Speaker, I know in terms of totals there were specific items where same reductions were made, but I am unable to find them at the moment. However I specifically recall reductions that were made in the items over the Governor's estimate.

Mr. WOODSIDE. Mr. Speaker, the gentleman states in his next paragraph as follows:

"We also determined those receipts which show a normal, steady year by year growth and applied to them the factor of 7.7% increase, which is based on the average for the seven years from 1933 to 1940."

Do we understand from that that the gentleman has taken the revenues all except those which he has stated are static and found that they have an over-all increase of 7.7 per cent between 1933 and 1940?

Mr. ACHTERMAN. Not all, Mr. Speaker. There were certain taxes where the income from the taxes bore direct relationship to the income of the Commonwealth rather than showing an average increase. In those particular fields, as I have stated, particularly in the emergency field, you will find a twenty per cent increase. I think we discussed that not once, but many times, on the floor of this House.

Mr. WOODSIDE. Mr. Speaker, what does the gentleman refer to them in his paragraph seven in which he states:

"We also determined those receipts which show a normal, steady year by year growth and applied to them the factor of 7.7% increase which is based on the average for the seven years from 1933 to 1940."

What does the gentleman mean by that?

Mr. ACHTERMAN. Mr. Speaker, the gentleman will find certain tax receipts that are increased on the basis of that percentage, or approximately that percentage.

Mr. WOODSIDE. Mr. Speaker, will the gentleman give me those taxes?

Mr. ACHTERMAN. Yes, the capital stock tax, domestic and foreign; domestic in particular.

Mr. WOODSIDE. Mr. Speaker, if the gentleman is using 7.7 per cent it ought to be "yes" or "no."

Mr. ACHTERMAN. I am saying "yes," Mr. Speaker, the capital stock tax, domestic and foreign; domestic in particular is one of the fields. Loans tax, corporation—domestic, is another. The insurance premium field is another, and the same in the savings fund field. Those are the fields in which it mostly applies.

Mr. WOODSIDE. Mr. Speaker, are there any others?

Mr. ACHTERMAN. Mr. Speaker, the mercantile field with its license taxes, the business license taxes, wholesale mercantile. Those are the fields that you will find it in.

May I state that I just happened to discover one instance of a reduction that was made in the gross receipts involving boxing and wrestling, although I admit there are several other fields in which there were reductions made.

Mr. WOODSIDE. Mr. Speaker, that was a reduction of two or three thousand dollars?

Mr. ACHTERMAN. Four thousand dollars, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the items are negligible in every instance, are they not?

Mr. ACHTERMAN. Generally, the income was more or less negligible.

Mr. WOODSIDE. Mr. Speaker, getting back to the 7 per cent increase, do I understand that those fields that the gentleman has just given have all been increased by the 7.7 per cent, or that the overall of that field is 7?

Mr. ACHTERMAN. I am speaking of the overall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, the gentleman has taken and apparently has based a great deal upon the national income. The gentleman has stated here that they have examined the records for the past ten years, showing that the income in the state of Pennsylvania bears an average ratio of 8.2 per cent to the national income.

May I say to the gentlemen on the other side, first, that the national income, even in the past is a matter of estimate. It is not a factual matter and nobody knows what the national income was in 1939. Nobody knows what the national income was in 1938, nobody knows what the national income was in any other year. It is only an estimate, it is only a guess. They have certain calculations upon which they base their estimates, but that is still only an estimate, it is still only a guess, because nobody can tell exactly what the national income is. It is a whole lot more difficult to determine what the income of any particular state is, so that when the gentleman says he is safe in his estimate of facts, he is basing his estimates on fiction because nobody knows those answers. Furthermore, he says that the estimates of the fiscal authority of the national government show that the national income for the year 1942 will be ninety million dollars. If there ever was a guess, that is a guess. That is a guess based on what? On previous figures which were made as to what the national income was at that time. Yet the gentleman says, "Having considered all the factors that enter into the problem"—I could go on but I am only going to ask the gentleman one more question, whether he won't supply for me by tomorrow all of the statistics concerning the national income upon which he bases his estimates; all of the statistics relative to state income from which he takes the estimates, and the variation of the percentages of total taxes as related to the total income.

Mr. Speaker, I realize that the hour is getting late and the House and the Speaker would like to adjourn. I would like to carry on the debate further, but in consideration of the desire of the Speaker and the Members of the House to get the business of the House completed, I am not going to go any further with this debate at the present time. I hope to take it up a little more later.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Foor,	Malloy,	Royer,
Allmond,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarraf,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Bradley,	Gryskewicz,	McKinney,	Simons,
Breth,	Gyger,	McLanahan,	Skale,
Bretherick,	Habbyshaw,	McLane,	Snyder,
Brother,	Haerberlen,	McMillen,	Sollenberger,
Bower,	Haines,	McSurdy,	Sorg,
Brown,	Hall,	Melchiorre,	Stambaugh,
Brunner, C. H.,	Hamilton,	Mihm,	Stank,
Brunner, P. A.,	Hare,	Modell,	Stine,
Burns,	Harkins,	Monks,	Stockham,
Burris,	Harmuth,	Moul,	Tarr,
Cadwalader,	Harris,	Muir,	Tate,
Chervenak,	Heatherington,	Mooney,	Taylor,
Chudoff,	Helm,	Moran,	Thompson, E. F.,
Cochran,	Hering,	Munley,	Thompson, R. L.,
Cohen, M. M.,	Herman,	Nagel,	Trout,
Cohen, R. E.,	Hersch,	Nunemacher,	Turner,
Cook,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Hewitt,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Huntley,	O'Mullen,	Vogt,
Cullen,	Imbrie,	O'Neill,	Voldow,
Dairvmpole,	James,	Owens,	Voorhees,
Dennison,	Jefferson,	Petrosky,	Wagner,
DiGenova,	Jones, G. E.,	Pettit,	Watkins,
Dix,	Jones, P. N.,	Polaski,	Weingartner,
Dolon,	Keenan,	Polen,	Welss,
D'Ortona,	Kenehan,	Powers,	Welsh, E. B.,
Duffy,	Kline,	Prosen,	Wilkinson,
Early,	Knoble,	Rank,	Williams,
Eckels,	Kolankiewicz,	Rausch,	Winner,
Elder,	Komorowski,	Readinger,	Wolf,
Ellott,	Krise,	Reagan,	Wood, L. H.,
Ely,	Lee, E. A.,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Woodring,
Finestone,	Lelsey,	Regan,	Woodside,
Finnerty,	Leonard,	Reynolds,	Wright,
Fisher,	Lesko,	Rhea,	Yeakel,
Fiss,	Levy,	Riley,	Yester,
Fleming,	Leydic,	Roonev,	Young,
Fletcher,	Lichtenwalter,	Rose, S.,	Kilroy,
Flynn,	Longo,	Rose, W. E.,	Speaker,
	Lyons,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. MODELL, from the Committee on Judiciary General, reported as amended, House Bill No. 1248, entitled:

An Act providing for proceedings by petition in non-support and desertion cases.

Mr. SCHWAB, from the Committee on Cities-First Class, reported as amended, House Bill No. 1256, entitled:

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, and imposing penalties.

Mr. D'ORTONA, from the Committee on Cities-First Class, reported as amended, House Bill No. 1626, entitled:

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, re-use and re-occupancy and the renting

and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties and repealing inconsistent acts or parts of acts.

Mr. READINGER, from the Committee on Appropriations, reported as committed, House Bill No. 1724, (Senate Bill No. 1004), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

Mr. THOMAS H. LEE, from the Committee on Public Utilities, re-reported as committed, House Bill No. 847, entitled:

An Act to further amend section three hundred one and to amend section four hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action, giving the court of common pleas of Dauphin County exclusive original

jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

Mr. WATKINS, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 1234, entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," authorizing the township commissioners from time to time, to make supplemental appropriations.

Mr. FISS, from the Committee on Counties, reported as committed, House Bill No. 687, entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rule of court for the publication of court or other legal notices, as amended, extending the provisions of the said act to counties of the sixth class.

BILL ON FIRST READING

Mr. READINGER asked and obtained unanimous consent for House Bill No. 1724 (Senate Bill No. 1004) to be read for the first time.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1742, (Senate Bill No. 1004) entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

CONDOLENCE RESOLUTION

Messrs. WEISS, PETROSKY, MAXWELL LESKO and HABERLEN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 27, 1941

John Lovett, brother of the Hon. James H. Lovett, died Monday, May 26, 1941, at his home in East McKeesport. To the citizens of East McKeesport, his sudden passing leaves a profound sense of sorrow; to his friends and his fellow workers comes the great shock of learning that their friend and co-worker will no longer be with them. John Lovett was not a great statesman or outstanding

leader, but his was the greatest of all gifts, a congenial happy nature and the gift of friendship with all the people he knew. He was a devoted husband, a splendid and sympathetic father and a true friend.

Since those who knew him can now only offer inadequate words as their last tribute; therefore be it

Resolved, That with this resolution we commend John Lovett to the memory of his fellowmen; and be it further

Resolved, That the Chief Clerk of this House transmit a copy of this resolution to the wife, children and brother of the deceased.

BILLS SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 141.

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions

SENATE BILL No. 223.

An Act to amend section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019) entitled "An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes" changing the effective date of laws affecting budgets of political subdivisions

SENATE BILL No. 315.

An Act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled "An act relating to adoption" by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties

SENATE BILL No. 345.

An Act to amend subsection (a) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills

SENATE BILL No. 329.

An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" fixing the time of day that the open season shall begin for charr commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair wishes to inform the Members that last evening at the request of the Speaker, the gentleman from Delaware, Mr. Turner, presided and by agreement with both floor leaders, a number of the bills were passed over in order. The Members of the House will understand, that was done under agreement by the gentleman from Delaware, Mr. Turner, while he was in the Chair.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Agriculture, Wednesday, May 28 at 11:30 a. m. in Room 329.

Appropriations, Wednesday, May 28 at 11 a. m. in Room 327.

Building and Loan, Tuesday, May 27 at 7 p. m. in Room 330.

Education, Wednesday, May 28, at 9 a. m. in Room 326.

Forestry, Wednesday, May 28, at 11:30 a. m. in Room 521.

Highways, Wednesday, May 28, at 11 a. m. in Room 324.

Military Affairs, Wednesday, May 28, at 11 a. m. in Room 330.

Motor Vehicles, Wednesday, May 28, at 11:30 a. m. in Room 324.

Professional Licensure, Wednesday, May 28, at 11:15 a. m. in Room 246.

Public Utilities, Wednesday, May 28, at 10:15 a. m. in Room 331.

State Government, Wednesday, May 28, at 9:30 a. m. in Room 325.

Ways and Means, Wednesday, May 28, at 10 a. m. in Room 327.

Workmen's Compensation, Wednesday, May 28, at 9 a. m. in the New House Caucus Room.

PUBLIC HEARINGS

The Committee on Education will hold a Joint Hearing on H. B. 1671, now substituted for H. B. No. 1, on Tuesday, May 27, at 7 p. m., Eastern Standard Time, with the Ways and Means Committee which will hold a hearing on H. B. 1403 at the same time, in the New House Caucus Room—Main Floor.

A Joint Public Hearing with the Senate on H. B. 942 will be held Tuesday, June 3, 1941, at 10 a. m., E. S. T. Place to be announced later.

DINNER

Reservations are still available for the dinner to be held at Hershey Hotel on Wednesday, May 28, in honor of the Majority Floor Leader. Tickets for the dinner may be procured from Walter Miller in the Chief Clerk's Office. Transportation will be available for those who do not intend to drive. The evening of May 28th will be de-

voted to the consumption of fine food and the dissemination of good fellowship. There will be no talk of budgets or anything of that kind, and since none of the money from the tickets is going into the Democratic Party coffers I expect to see a great many Republicans there.

ADJOURNMENT

Mr. KNOBLE. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 28, 1941, at 12 m. The motion was agreed to, and (at 4:12 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, MAY 28, 1941.

No. 61,

SENATE

WEDNESDAY, May 28, 1941.

The Senate met at 2 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the gentleman from Berks, Dr. RUTH.

Almighty God, God of our fathers and our God, in these days of emergency we come to Thee knowing that Thou art the way and the truth and the light. May we, as did our forefathers, follow in Thy way; may we accept Thee as the only truth and may we go in Thy light to meet the difficulties that come upon us here in our legislative duty, in our homes, and as citizens of this nation, so that when we follow in Thy steps the determination of the end will always be right. In the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. JAMES and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 28, 1941, by his Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Elizabeth McBurney, Bridgeville.
Mrs. Marian L. Walso, Braddock.

BRADFORD COUNTY

James D. Burkhart, Sayre.

DELAWARE COUNTY

Miss Kathryn A. Heinly, Haverford Twp., 225 Kenmore Rd., Brookline, Upper Darby P. O.
S. Lee Moses, Upper Darby Twp., 4038 Vernon Rd., Drexel Hill.

MONTGOMERY COUNTY

R. R. Knapp, Norristown.

PHILADELPHIA COUNTY

Miss Mary E. Fry, Woman's Medical College of Pa., Henry Ave. and Abbottsford Rd., East Falls.
Miss Ruth D. Gamble, 5900 Tabor Rd.
Max Kohn, Room 1708, 12 South 12th St.
Samuel Yaffe, 312 South Broad St.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Paul T. M. Hahn, 446 Williams Street, Easton, Northampton County, for reappointment as a Notary Public in the City of Easton, Northampton County, for a term of four years, to compute from June 2, 1941.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,
Becker,
Carr,

Edmonds,
Farrell,
Frey,

McCreesh,
McGinnis,
McQuiddy,

Taliman,
Taylor,
Thomas,

Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
DiSilvestro,
Ealy,

Geltz,
Heyburn,
Homsher,
James,
Jospan,
Kephart,
Letzler,
Mallery,

Miller,
Reed,
Ruth,
Shapiro,
Snowden,
Stevenson,
Stiefel,

Tyler,
Walker,
Watkins,
Wilson, H. L.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate the following:

APPOINTMENT AS JUSTICE OF PEACE OF ELK COUNTY

Leo A. Werner, 10 Mark Street, St. Mary's, Elk County, for appointment as Justice of the Peace in and for the Borough of St. Marys, Elk County, until the first Monday in January, 1942, vice Edward W. Kuntz, deceased.

APPOINTMENT AS ALDERMAN IN WESTMORELAND COUNTY

Miss Minnie B. Smith, 32-12th Street, Jeannette, Westmoreland County, for appointment as Alderman in and for the Fourth Ward of the City of Jeannette, Westmoreland County, until the first Monday in January, 1942, vice John H. Phillips, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF THE PEACE IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James E. Blakeslee, Bear Creek, Luzerne County, for appointment as Justice of the Peace in and for the Township of Buck, Luzerne County, until the first Monday in January, 1942, vice Ira Hutchins, deceased.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 571, (Senate Bill No. 1043), entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior

to, and remaining unpaid on, May thirty-first, one thousand nine hundred and forty-one

Which was committed to the Committee on Appropriations.

AMENDMENT TO HOUSE BILL No. 364 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 786), entitled, as amended 'The Workmen's Compensation Act of 1915'." amplifying the provisions thereof as to persons entitled to such payments.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

Th PRESIDENT. The bill as amended will appear on the Calendar of May 29, 1941..

AMENDMENT TO HOUSE BILL No. 1021 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1021, entitled:

An Act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will appear on the Calendar of May 29, 1941.

AMENDMENT TO HOUSE BILL No. 1098 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1098, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three (P. L. 1449), entitled "Allegheny County Juvenile Court Law," to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the county institution district or by the city in which such child is residing at the time of assumption of jurisdiction by the court.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill

amended, in which amendments the concurrence of the Senate is requested.

The PRESIDENT. The bill as amended will appear on the Calendar of May 29, 1941.

REPORTS FROM COMMITTEES

Mr. ZIESENHEIM, from the Committee on Highways, reported as committed, Senate Bill No. 1006, entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

He also, from the Committee on Highways reported as amended, Senate Bill No. 758, (House Bill No. 727), entitled:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway, and providing for their construction and maintenance by the Commonwealth, subject to certain terms and conditions.

Mr. THOMAS B. WILSON, from the Committee on Highways, reported as amended, Senate Bill No. 463, entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township to enter upon private property adjacent to any public road or highway, and place thereon a snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

Mr. MILLER, from the Committee on Education, reported as committed, Senate Bill No. 56, entitled:

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth.

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 1018, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred forty-one and such time as the funds provided by The General Appropriation Act of one thousand nine hundred forty-one become available.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

Mr. FARRELL, from the Committee on Education, reported as committed, Senate Bill No. 801, entitled:

An Act to validate and confirm certain contracts, heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm, and validate payments on such contracts by the school district.

Mr. JAMES, from the Committee on Municipal Government, reported as committed, Senate Bill No. 891, (House Bill No. 253), entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

Mr. BARTLETT, from the Committee on County Government, reported as committed, Senate Bill No. 859, (House Bill No. 724), entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" and further regulating the form and contents of county auditors reports.

Mr. RUTH, from the Committee on County Government, reported as committed, Senate Bill No. 813, (House Bill No. 896), entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales upon which the period of redemption has expired and validating certain sales heretofore made.

Mr. McQUIDDY, from the Committee on Highways, reported as committed, Senate Bill No. 482, entitled:

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by providing that sections of highways abandoned by relocation shall be maintained by and at the expense of the township, borough, incorporated town or city wherein they are located, and by adding a new section to provide that portions or sections of the old highway which are not included within the changed, altered or established widths, shall be considered vacated if such portions or sections are not of the full width of the highway as previously established.

He also, from the Committee on Highways, reported as amended, Senate Bill No. 1023, entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent

operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds."

BILL RE-REFERRED

He also, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 380, entitled:

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred and thirty-six (1937, P. L. 2897), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," by further defining "contributions" to be paid by certain employers; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employes; and further defining the powers of and procedure before the board.

With the request that it be re-referred to the Committee on Workmen's Compensation.

The PRESIDENT. It is so referred.

REPORTS FROM COMMITTEES

Mr. DiSILVESTRO, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 444, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, abolishing County of Philadelphia as a separate political entity; and providing for administering of county functions by City of Philadelphia.

Mr. STEVENSON, from the Committee on Highways, reported as committed, Senate Bill No. 174, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and

appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Erie.

Mr. KEPHART, from the Committee on Public Utilities, re-reported as amended, Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle;" further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

Mr. HOMESHER, from the Committee on Banking, re-reported as amended, Senate Bill No. 784, entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts, further regulating the publication of advertisements and notices required under the provisions of said act.

Mr. McCREESH, from the Committee on Municipal Government, reported as committed, Senate Bill No. 702, (House Bill No. 752), entitled:

An Act authorizing cities of the second class A, with the consent of the owners thereof, to improve and beautify property adjoining or adjacent to State owned hospitals within such cities.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS JUSTICE OF PEACE IN WYOMING COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Jennie M. Sick, Meshoppen, Wyoming County, for appointment as Justice of the Peace in and for the Borough of Meshoppen, Wyoming County, until the first Monday in January, 1942, vice T. J. McNamara, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN CHESTER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate R. Jones Patrick, West Market Street, West Chester, Chester County, for appointment as Justice of the Peace in and

for the Borough of West Chester, Chester County, until the first Monday in January, 1942, vice E. Earl Patrick, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBER OF MERCER COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John V. Wherry, Grove City, Mercer County, for appointment as a member of the Mercer County Board of Assistance, until December 31, 1941, and until his successor is duly appointed and qualified, vice Dr. W. W. Richardson, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS ALDERMAN IN CRAWFORD COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 26, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate N. Allen Love, 407 North Kerr Street, Titusville, Crawford County, for appointment as Alderman in and for the First Ward of the City of Titusville, Crawford County, until the first Monday in January, 1942, vice Robert A. Kerr, deceased.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS, The Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EALY. That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

Two-third of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 270

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 27, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view

be recalled from the Governor for the purpose of amendment.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 66

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, May 27, 1941

Resolved (if the House of Representatives concur), That Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars

be recalled from the Governor for the purpose of amendment.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill has passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1588, entitled:

An Act to amend and reenact section five hundred and twenty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as amended, by limiting to eleven and three-quarter mills the total annual school

tax for any one year in school districts of the first class; and prescribing the method of fixing the levy of school taxes in such districts.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. EALY (by request) read in his place and presented to the Chair Senate Bill No. 1044, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

Which was committed to the Committee on State Government.

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 1045, entitled:

An Act to amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-one (P. L. 594), entitled "An Act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as amended, by adding thereto a certain new route.

Which was committed to the Committee on Highways.

Mr. WADE read in his place and presented to the Chair Senate Bill No. 1046, entitled:

An Act to further amend section three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, pothonotaries, and court clerks, and on persons, co-partnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," excluding proceeds of life insurance policies from the provisions thereof.

Which was committed to the Committee on Finance.

Mr. THOMAS B. WILSON read in his place and presented to the Chair Senate Bill No. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof;" providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

Which was committed to the Committee on Labor and Industry.

Mr. THOMAS B. WILSON read in his place and presented to the Chair Senate Bill No. 1048, entitled:

An Act establishing a certain road, not yet in existence, in the County of McKean, as a State highway, and providing for its opening, construction and maintenance by the Department of Highways.

Which was committed to the Committee on Highways.

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 1049, entitled:

An Act conferring upon watchmen of educational institutions maintained in whole or in part by the Commonwealth the powers of constables in certain cases; and imposing duties on wardens and keepers of jails, police stations and lock-ups.

Which was committed to the Committee on State Government.

CONDOLENCE ON DEATH OF BROTHER-IN-LAW OF SENATOR JOHN H. DENT

Mr. COLEMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN, offered the following resolution which was twice read, considered and agreed to:

In the Senate, May 29, 1941.

Whereas, The angel of Death has removed from our midst Patsy Joseph Dent, brother-in-law of our colleague, Honorable John H. Dent of Westmoreland County, and Whereas, His untimely death resulted from being struck by lightning last Thursday while enjoying the sport of fishing, which brought him so much pleasure during his life, and

Whereas, His passing leaves a void in the City of Jeanette that will be hard to fill, and

Whereas, It can be said of him as Bob Ingersoll said of his brother, "He added to the sum of human joy, and of everyone for whom he had done some loving service were to place a blossom on his grave, he would sleep tonight beneath a wilderness of flowers," and

Whereas, He has left behind him a monument richer than gold and more enduring than granite, and that is the memory of one who, from the standpoint of honest and truthful relations with his fellowmen, never did anything that could be called a small thing, and

Whereas, His sudden passing has left his widow and three children bowed with grief, and

Whereas, While no words of ours could assuage the grief or lessen the sorrow, it must be comforting for his family to be able to cherish during the remaining days of their lives the memory of a devoted husband, a kind father, and a loyal and patriotic American citizen,

Be It Resolved, That the Senate of Pennsylvania expresses its profound sorrow to the bereaved family; and be it further

Resolved, That a copy of this Resolution be sent to his widow, Mrs. Patsy Joseph Dent, and to Mrs. John H. Dent, wife of the Senator from Westmoreland County.

QUESTION OF PERSONAL PRIVILEGE

Mr. STIEFEL. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. STIEFEL. Mr. President, in order to conserve time I have reduced my remarks on paper and I request permission to have them included in the Journal.

The PRESIDENT. If there is no objection it is so ordered.

Mr. STIEFEL. Mr. President, some of my colleagues have asked me what these remarks are about and I am constrained briefly to proceed with the remarks. I do not want to be accused of being ignorant of American History and that is the reason I am introducing these remarks, basing them upon information which was furnished by the eminent American historian James Truslow Adams, pertaining to the birthday of Thomas Jefferson. I might say, Mr. President, that we used in our resolution the old style date, which showed that Jefferson was born, according to the old style date, on April 2, 1743. However, Mr. Gibboney, Chairman of the United States Commission, maintains this is a typographical mistake and I wanted to insert in the record a statement the date is celebrated, according to the old style date, on April 2, 1743, and according to the new style date it is celebrated April 13, 1743, and while I am at it I want to say while we celebrate Washington's birthday on February 22nd, the father of our country always celebrated it on February 11th, on account of the difference between the old style and the new style.

The prepared remarks of Senator Stiefel were as follows:

I desire to embrace this opportunity and reconcile a divergence between the date appearing in Senate Concurrent Resolution No. 113 (not printed—Legislative Journal, page 591) introduced by Senator Chapman and myself on March 5, 1941, and the date adopted elsewhere in the United States.

Before introducing Senate Concurrent Resolution, Serial No. 113, on March 5, 1941, Senator Chapman and I consulted one of Jefferson's classic biographies written by the eminent American historian, James Truslow Adams, entitled "The Living Jefferson", published by Charles Scribner's Sons in 1936. There we found, inter alia, in Chapter 2 on page 22 that "... Thomas Jefferson was born on April 2, 1743 (Old Style)". Relying upon this passage in that book, Senator Chapman and I stated in a resolution the date of April 2, 1943 as the day of the 200th Anniversary of the birth of Thomas Jefferson. Subsequently, we received a letter from Mr. Stuart J. Gibboney, Chairman of the Thomas Jefferson Memorial Foundation, wherein he states as follows: "I take it that the statement in your letter that the 200th anniversary of the birth of Thomas Jefferson occurs on April 2, 1943 is a typographical error, as Thomas Jefferson was born on April 13, 1743."

Mr. President, there was no typographical error in our

resolution. As can be seen from the letter written by Mr. James Truslow Adams, Thomas Jefferson was actually born on April 2, 1743, but that was according to Old Style. When in 1752 a new style was adopted and eleven days had been added, the date of Jefferson's birth became April 13, and not April 2. George Washington, for example, was born on the eleventh day of February, but as we now reckon dates in the New Style, we celebrate his birthday on the twenty-second, although he always continued to celebrate it himself on the eleventh, in spite of the change in the calendar having occurred during his early manhood. For that reason, Mr. President, the date inserted in our resolution is correct, but in arranging for the celebration of the 200th anniversary of the birth of Thomas Jefferson, our Commission, in order to keep in step with the nation, will have to adopt the date April 13, 1943, as the date of the celebration.

May I therefore, Mr. President, submit for insertion on the record a letter addressed by me in the capacity of the Secretary of the Thomas Jefferson Bicentennial Commission of Pennsylvania, to Mr. James Truslow Adams, and the answer thereto sent by Mr. James Truslow Adams to our Commission.

"Mr. James Truslow Adams
c/o Charles Scribner's Sons
597 Fifth Avenue
New York City
"Dear Sir:

"May 15, 1941.

"On March 5, 1941, I have introduced in the Senate of the General Assembly of Pennsylvania, in collaboration with Senator Leroy E. Chapman of Warren County, Pennsylvania, a resolution, providing for the creation of a commission to be known as the "Thomas Jefferson Bicentennial Commission of Pennsylvania", for the purpose of evolving plans for Pennsylvania's part in the celebration of the 200th anniversary of the birth of Thomas Jefferson.

"Before preparing the draft of the resolution, I consulted your book, entitled "The Living Jefferson" (published by Charles Scribner's Sons in 1936) and found inter alia, in Chapter II, on Page 22 that "... Thomas Jefferson was born on April 2, 1743 (Old Style)". Relying upon this passage in your book, Senator Chapman and I stated in the resolution the date of April 2, 1943 as the day of the 200th Anniversary of the birth of Thomas Jefferson.

"Subsequently, I received a letter from Mr. Stuart G. Gibboney, Chairman of the Thomas Jefferson Memorial Foundation, wherein he states as follows: "I take it that the statement in your letter that the 200th anniversary of the birth of Thomas Jefferson occurs on April 2, 1943, is a typographical error, as Thomas Jefferson was born on April 13, 1743."

"Under the circumstances, may I not take the liberty of asking your help in this matter, in either reconciling the discrepancy between these two dates or advising which of these two dates, in the light of history, is to be preferred?

"I hope you will forgive me for encroaching upon your valuable time. I feel that the much needed clarification is a patriotic duty and will save our Commission from considerable embarrassment.

"Thanking you in advance for your help in this matter, I am

Gratefully yours,

ISRAEL STIEFEL

SECRETARY—"THOMAS JEFFERSON
BICENTENNIAL COMMISSION OF PENNSYLVANIA."

"May 20, 1941.

"Hon. Israel Stiefel
Suite 1801-04
12 South 12th Street
Philadelphia, Pa.

"Dear Senator:

"As I am away from home at present on account of illness, your letter has been delayed.

"Briefly in reply I would say that the date of Jefferson's birth as given in my biography of him is I believe correct. I said April 2nd, 1743, Old Style. That is eleven days difference between Old Style and New Style, eleven days having been added to the date in, as I recall it, March 1752, so that these eleven days have to be taken into consideration with regard to any date prior to 1752. This was to bring the calendar into line with the astronomical year, it having got eleven days out of gear in the course of many centuries.

"George Washington, for example, was born on the 11th day of February, but as we now reckon dates in the New Style, we celebrate his birthday on the 22nd, although he always continued to celebrate it himself on the 11th, in spite of the change in the calendar having occurred during his early manhood. This question of Old and New Style is of course understood by historians although unfortunately they do not always note which style they are using, which sometimes leaves it open to question. In my case I stated that the date I used was Old Style, which would mean April 13th New Style. There was no error about that. I think the typographical error that Dr. Gibboney was referring to was your own typographical error in using throughout the year 1943 instead of 1743. Of course it is obvious that the date of Thomas Jefferson's birth was not two years hence from the present date.

"I hope this explains the whole matter and if you will refer to your letter you will see where the difficulty came in.

Sincerely yours,

JAMES TRUSLOW ADAMS."

REPORTS FROM COMMITTEES

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, reported as amended, Senate Bill No. 351, entitled:

An Act authorizing the sheriffs in counties of the sixth, seventh, and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county, and prescribing the duties and limiting the compensation of such solicitors.

Mr. TYLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. TYLER, from the Committee on County Government, reported as committed, Senate Bill No. 929, (House Bill No. 1510), entitled:

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and au-

thorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

SENATE BILL No. 1007, (HOUSE No. 230), CALLED
UP ON THIRD READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1007, (House No. 230), on third reading, page 10 of the Calendar which has some mistakes in it which need correction.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EDMONDS. Mr. President, I ask unanimous consent to offer the following amendment: Amend section 1 (section 17), page 27, line 1 by inserting after the word "casualty", and before the word "fire" the word: "or"

May I say, Mr. President, the amendment consists of the insertion of the word "or" on the first line of page seven, so as to make it read: "Insurance companies, casualty or fire insurance companies," the "or" that was taken out of the preceding line was not restored as contemplated.

On the question,

Will the Senate agree to the amendment?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Gladly, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Montgomery state whether that is the only amendment he proposes offering to the bill?

Mr. EDMONDS. That is the only amendment proposed, Mr. President. There are certain places in this printing of the bill in which the printer has transposed the lines, but those transpositions are printer's errors and they can be corrected by the printer in this new printing without action by the Senate.

Mr. SHAPIRO. Will the gentleman look on page thirty-three of the bill, line seven, and tell me whether it is not true the amendment as it appears there now has taken out the imposition of the tax for the years up to 1943?

Mr. EDMONDS. I do not think so, Mr. President. This bill was very carefully scrutinized by Mr. Schockley and he has passed it as being correct.

Mr. SHAPIRO. Mr. President, I should like to call attention of the Senate to the fact that on page thirty-three of this bill, it provided that this act shall become effective immediately upon final enactment and be in force for the assessment and collection of taxes under section three of this act for the calendar years beginning with 1938 and included 1941 and then it reads "at the rate of four mills on each dollar of value."

That was stricken out in the House and there was included the years 1942 and 1943 and the words were inserted "at the rate of three mills on each dollar of value," and then thereafter the taxes went on as before.

The amendment has taken out the words "at the rate of three mills on each dollar" and levies no tax for those years.

Now, Mr. President, whether Mr. Schockley went over that very carefully or not, I think it is perfectly obvious the rate of tax is entirely eliminated from the bill under Section 7.

Mr. EDMONDS. Mr. President, I think that means elimination from the section that deals with the effective date of the bill but there are other sections that impose the taxes. This section relates to the date particularly.

Mr. SHAPIRO. Mr. President, it seems to me this is important enough to consider, and since we are going to lose a day on this—this bill is going into a conference committee anyhow—it might be well to leave the matter for the conference committee and you will save a day. If you do not you will have to bring the members of the Senate back tonight somewhere around twelve or one o'clock and I think it would be much better to leave this matter to the conference committee.

Mr. EALY. Mr. President, if this bill is amended at this time it still can be printed this afternoon and acted upon later in the day.

Mr. EDMONDS. Mr. President, I think before we send the bill to the printer it would be well to send for Mr. Schockley and find out what is his point of view, as the legal draftsman, on the question raised by the gentleman from Philadelphia. My own feeling is that in this section it deals only with the effective date. This is not a paragraph that imposes the taxes, there are preceding paragraphs which impose the taxes at the proper rate, but it is a technical matter and I think it would be well if we would send for Mr. Schockley.

Mr. SHAPIRO. Mr. President, if we amend this bill in any way it will have to lay over for printing anyway for one day and if you do that you will have to bring the men back here and since we all know this bill is going into a conference committee, would it not be better to allow

this matter to be taken care of by the conference committee?

Mr. EDMONDS. It does not necessarily mean a delay of one day, as the correction as suggested is very slight and the chances are we could have the bill here in three or four hours.

Mr. WALKER. Mr. President, as I recollect the status of this bill I had the privilege and pleasure of reporting this bill out of committee and I was directly involved in these amendments and I think out of courtesy to Mr. Schockley all the members of the committee should not duck and say that Mr. Schockley O.K.'d this amendment and therefor if the amendment is not correct Mr. Schockley is left holding the bag. The imposition or the lack of something on page 37 of the bill should be laid at my door instead of at Mr. Schockley's.

However, Mr. President, I would like to suggest to the gentleman from Philadelphia, Mr. Shapiro, that I read that section with a great deal of care and at first blush my reaction to the amendment was the same as Senator Shapiro's. However, I finally came to the conclusion—and I would like to give that to the gentleman from Philadelphia for whatever it is worth—from limited experience I think that the tax levy made in section three of the bill, on pages four and five of this act, were the sections referred to in section 21 on page 33 of the bill and that the four mills imposition of taxes was the rate set and referred to in section 21 on page 33 of the bill.

Now, Mr. President, I will agree with the gentleman from Philadelphia that perhaps there might be a slight vagueness about it, because, as I say, my first reaction was the same as his, but my final conclusion was that the rate referred to of four mills is set forth on pages four and five of the act—and I do not want the Senate to get the impression this is Mr. Schockley's fault, and I know that is not the impression the gentleman from Montgomery attempted to create.

Mr. EDMONDS. Mr. President, perhaps I unfortunately created that impression, but Mr. Schockley is Deputy Attorney General and has been drafting these bills for many years and I quoted him as no mean authority on legislative drafting of bills. I might state to the Senator from Philadelphia that it seems to me to be quite clear in this section, where the rate is at a certain figure for particular years, and that is not the section that imposes the tax, as has been said by the gentleman from Allegheny.

Mr. SHAPIRO. I understand that, Mr. President and that is correct, but since Mr. Schockley drew this bill in the first instance, or the Attorney General drew the bill in the first instance for the House, and when it came over to the House it did have a provision of a four mills tax and that has now been taken out, it raises a question in my mind whether it was done with his knowledge and fully understood, but it was in there in the first instance and I do not understand why it was taken out.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL NO. 601 CALLED UP ON SECOND READING

Mr. WOODWARD. Mr. President, I now call up Senate Bill No. 601, on second reading, page 18 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. WOODWARD. Mr. President, I ask the indulgence of the Senate for a very few minutes to take up two constitutional amendments pertaining to personal income taxes, because unless they pass the Senate this week they are in danger of being lost in the shuffle in the House. I refer to Senate Bill No. 601, appearing on page 18 of today's calendar and then after that there is the bill of the gentleman from Berks, Dr. Ruth, No. 697, appearing on page 20 of today's Calendar.

It has so happened whenever the Calendar has been gone through as far as Bill No. 601 we have adjourned to go to some party, and I have now been waiting two days and nothing has happened. I ask that these two bills be given second reading at this time but one at a time.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 601, entitled:

A Joint Resolution proposing an amendment to section one, article nine of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 697 CALLED UP ON SECOND READING

Mr. WOODWARD. Mr. President, I now call up Senate Bill No. 697, on second reading, page 20 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 697, entitled:

An Act proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now proceed with the consideration of the Calendar, beginning with Senate Bill No. 497, page 1.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate bill No. 497, (House Bill No. 610), entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. SHAPIRO. Mr. President, I have no particular interest in this bill, but as I read this bill it was intended to make it unnecessary for a historical society to have a building of its own in order to obtain an appropriation, and so this bill was amended to give them the right to have an appropriation provided there was a regular meeting place, when it went over to the House, and it came back here with a limitation on the appropriation which can be made, which is two hundred and fifty dollars, and as the bill is now drawn it limits any organization, even though it has property of its own, to a two hundred and fifty dollars annual appropriation. Obviously a historical society owning a property of its own amounting to anything could not get along on two hundred and fifty dollars a year, and I therefore suggest to those who are interested in the bill it had better be looked into, because it will have an effect on all appropriations to existing institutions owning property.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 497, (House Bill No. 610), on concurrence in house amendments, recalled from the Governor, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 529, on final passage, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 628, (House Bill No. 762), entitled:

An Act to further amend sections eleven and twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 552) entitled as amended "An act relating to dogs and the protection of

live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deltrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 655, entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, this is a salary raising bill and it might not be amiss to call the attention of the

Senators to this fact; in these times of grave emergencies, national and state both, it seems to me that no public official should ask for a raise in salary. These days are trying and they are going to be more trying in the future and I think we are setting a bad precedent in starting to raise salaries at this session of the Legislature.

Mr. CROWE. Mr. President, I would like to speak a little on this bill. It simply raises salaries of county commissioners up to five hundred dollars. I have one-eighth class district county in my district, Pike County, which is famous for its rum and rattlesnakes. That county only has an area of 544 square miles, and that is about three times the area of Philadelphia County.

Now, Mr. President, when these poor commissioners have to go around that 544 square miles on the poor roads they have there, they really deserve more than five hundred dollars a year and I think we ought to give it to them. It is not much. There are only eleven counties involved in the entire state and it means an additional cost of \$12,900 and it really does something for men that are doing a good job now.

On the other hand, Mr. President, in Pike County, for instance, the sheriff gets sixteen hundred dollars a year and all he has to do is to sit in his office, because we do not have any crime up in that section of the woods and in other counties nearby the commissioners get eighteen hundred dollars a year and they do not work as hard as they do in the eight-class counties, so I leave it to my colleagues in the Senate to do the right thing.

Mr. REED. Mr. President, if that official, the good Senator from Monroe refers to is an outstanding sincere citizen, he would ask that his salary be reduced.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bartlett,	Ealy.	Mallery,	Stiefel.
Becker,	Edmonds,	McCreesh,	Tallman,
Carr,	Farrell,	McGinnis,	Taylor,
Chapman,	Frey,	McQuiddy,	Thomas,
Coleman,	Geltz,	Miller,	Tyler,
Cox,	Homsher,	Ruth,	Walker,
Crider,	James,	Scarlett,	Watkins,
Crowe,	Jaspan,	Shapiro,	Wilson, H. I.,
Deitrick,	Kephart,	Snowden,	Wilson, T. B.,
DiSilvestro,	Letzler,	Stevenson,	Woodward,
			Ziesenheim,

NAYS—6

Cavalcante,	Heyburn,	Reed,	Wade,
Haluska,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered. That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a

solicitor and providing for his salary payable by the county.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CHAPMAN. Mr. President, I ask unanimous consent to offer the following amendments.

Amend title, page 1, lines 8 and 9 of the title, after the word "county" by taking out the following words: "in counties of the second third and fourth classes"; amend section 1, page 2, line 4, after the word "county" by taking out the following words: "of the second third and fourth classes"; amend section 1, page 2, line 7, before the word "and" by taking out the bold-faced bracket; amend section 1, page 2, line 9, after the word "commissioners" by taking out the bold-faced bracket.

On the question,

Will the Senate agree to the amendments?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Warren.

The PRESIDENT. Will the gentleman from Warren permit himself to be interrogated

Mr. CHAPMAN. Yes, Mr. President.

Mr. HALUSKA. Mr. President, when this bill first appeared on the Calendar it referred to only second, third and fourth class counties; is that correct?

Mr. CHAPMAN. Referred to all counties.

Mr. HALUSKA. Referred to all counties, Mr. President?

Mr. CHAPMAN. Excepting first-class, Mr. President.

Mr. HALUSKA. Excepting the first-class?

Mr. CHAPMAN. Originally, Mr. President.

Mr. HALUSKA. Is there any great necessity for it, Mr. President?

Mr. CHAPMAN. Yes, Mr. President, on account of the tax sales in the various counties, there is such a necessity.

Mr. HALUSKA. Has the gentleman from Warren had any requests from counties of the fourth-class?

Mr. CHAPMAN. From all counties, Mr. President.

Mr. HALUSKA. And the gentleman has had requests from counties of the fourth-class?

Mr. CHAPMAN. I think so, Mr. President.

Mr. HALUSKA. Is the gentleman from Warren sure of that?

Mr. CHAPMAN. Sure? Yes.

Mr. HALUSKA. Would the gentleman from Warren be willing to offer another amendment to take fourth-class counties out of the bill?

Mr. CHAPMAN. No, Mr. President.

Mr. HALUSKA. Why not?

Mr. CHAPMAN. It has been amended enough, Mr. President. This is just a "may" bill and it is not compulsory; if the county does not want it it does not have to have it.

Mr. HALUSKA. The salary is paid by the county commissioners, is that correct; not by the Commonwealth?

Mr. CHAPMAN. That is right, Mr. President.

Mr. HALUSKA. Wouldn't that mean local taxes for the local communities, Mr. President?

Mr. CHAPMAN. It does not amount to a very large sum of money, Mr. President.

Mr. HALUSKA. Do they pay the salaries now, Mr. President?

Mr. CHAPMAN. No great amount of money is in-

volved, Mr. President. It is to cover salaries for doing this work on account of the tax sales.

Mr. HALUSKA. However, Mr. President, it does impose a hardship on the counties.

Mr. CHAPMAN. It does not, Mr. President.

Mr. HALUSKA. It means they are compelled to hire a solicitor, an attorney, and pay him; is that not correct?

Mr. CHAPMAN. They are not compelled to hire an attorney unless there is a necessity for it.

Mr. HALUSKA. And in case the county does hire a solicitor the county does pay the salary; is that correct?

Mr. CHAPMAN. That is correct.

Mr. SHAPIRO. Mr. President, I want to say a word on behalf of this bill. I did not have any interest in this bill until this amendment was put in. I have been representing the county treasurer of Philadelphia for two years without any salary and while this will not be a "may" bill because we are right at the end of May, I am going to ask all my colleagues to do something for me now so that for once I can get some compensation, as a result of being in the Senate. It is a good bill and we ought to vote for it.

Mr. WALKER. Mr. President, I first would like to inquire of the sponsor of the bill if it is not true the title now will have to be amended? As I understand it the amendment just offered by the gentleman from Warren was to page two, line three of the bill.

The PRESIDENT. I do not believe the clerk has finished reading the amendments.

Mr. WALKER. Pardon me, Mr. President, I understood all the amendments had been read.

Mr. HALUSKA. Mr. President, I ask permission to interrogate the Senator who presented the amendments.

The PRESIDENT. It has been suggested that we complete the reading of the amendments.

Mr. HALUSKA. Mr. President, may I interrogate the gentleman from Philadelphia, Mr. Shapiro?

POINT OF ORDER

Mr. WALKER. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. WALKER. My point of order, Mr. President, is that we should have all the amendments read so that we may discuss them.

The PRESIDENT. The point of order of the gentleman from Allegheny is well taken. The Chair does not believe a Senator may be interrogated on a matter that is not before the Senate.

Mr. HALUSKA. Mr. President, the gentleman from Philadelphia made a certain remark pertaining to the bill and I think he ought to be interrogated but I will yield until the amendments are read.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated? Does the gentleman from Cambria desire to interrogate the gentleman from Philadelphia on a remark he made with reference to the amendments? If the remark was with reference to the bill and the bill is before the Senate the gentleman from Cambria is in order to interrogate the gentleman from Philadelphia.

Mr. HALUSKA. Mr. President, did I understand the gentleman from Philadelphia, Mr. Shapiro, to say that he was interested in the bill because he happens to be solic-

itor not heretofore paid, but since the amendment will give him pay he will vote for the bill?

Mr. SHAPIRO. I did not say that, Mr. President; I asked my colleagues to vote for it because I realize I can not.

Mr. HALUSKA. That is what I wanted to know, Mr. President.

Mr. JASPAN. Mr. President, we have all heard of the seven wonders of the world and I think we ought to add an eighth—Senator Shapiro has not been paid.

Mr. COLEMAN. Mr. President, the interrogation by the gentleman from Cambria has confused me. If I understand this bill correctly it does not affect the city of Philadelphia. Am I correct in that? In other words, Mr. President, in effect the amendments would permit county treasurers in second, third, fourth, fifth, sixth, seventh and eighth class counties the authority to appoint a solicitor?

I desire to interrogate the sponsor of the bill, Mr. President.

The PRESIDENT. Will the gentleman from Warren permit himself to be interrogated?

Mr. CHAPMAN. Yes, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the sponsor of the bill—the fact that he deleted the words "in counties of the second, third and fourth class" has confused the members of the Senate—and I desire to ask him if that does not restore the bill to its original form so that county treasurers in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes might appoint a solicitor under the terms of this bill.

Mr. CHAPMAN. It does not affect first-class counties, Mr. President.

And the question recurring,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 54, as follows:

An Act to add clause forty-seven to section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto after clause forty-six a new clause to read as follows

Section 1502 The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power

* * * *

XLVII Veterans' Meeting Rooms To furnish to all organizations of veterans of any war in which the United States has engaged upon application therefor a room or rooms in any public building of such township or to pay the rental of any privately owned building or room sufficient for the meeting of each of such organizations at least once each month and in the case of township owned utilities to furnish same without charge to such rooms and also to buildings occupied by posts camps or veterans of any such war

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 55, as follows:

An Act to add clause twenty-two to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto after clause twenty-one a new clause to read as follows

Section 702 Supervisors to Exercise Powers The corporate powers of townships of the second class shall be exercised by the township supervisors They shall have power

* * * *

XXII Veterans' Meeting Rooms To furnish to all organizations of veterans of any war in which the United States has engaged upon application therefor a room or rooms in any public building of such township or to pay the rental of any privately owned building or room sufficient for the meeting of each of such organizations at least once each month and in the case of township owned utilities to furnish same without charge to such rooms and

also to buildings occupied by posts camps or veterans of any such war

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on third reading, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

go over in its order as it is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 213, as follows:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania providing for the control management supervision improvement and maintenance thereof by the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof and creating an advisory board to assist in such functions

Whereas The Historical Society of the Borough of Pottstown Montgomery County Pennsylvania has recently acquired title to the old Pottsgrove Mansion with tract of land approximately three hundred (300) feet square situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania on the Department of Highways Route No 422 and

Whereas Said Pottsgrove Mansion was build in 1752 and was used by George Washington and Martha Washington at various times during the winter of 1777 and

Whereas Through the efforts of the Pottstown Historical Society through voluntary contributions of Pottstown citizens and by means of a WPA project the Mansion house is being restored to its original condition and Whereas The said Pottsgrove Mansion as restored will be an outstanding example of Colonial or pre-Revolutionary architecture therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies is hereby authorized and empowered to accept on behalf of the Commonwealth of Pennsylvania the said Pottsgrove Mansion and the lot of land on which it is erected bounded and described as follows

All That Certain Lot or piece of land with the buildings thereon erected situate in the Borough of Pottstown County of Montgomery and State of Pennsylvania described according to survey of Will D. Hiltner May 1939 as follows to wit

Beginning at a point on the northeast side of High street thence along land now or late of Gabel Estate north twenty-nine degrees thirty-five minutes east three hundred feet to a point on the south side of King street thence south sixty-six degrees thirty-five minutes east two hundred nineteen and seventy-two hundredths feet along said side of King street to a point in the center of a public road thirty-three feet wide thence south fourteen degrees twenty-six minutes west along the center line of said public road three hundred ten and six tenths feet to a point on the northeast side of High street aforesaid thence north sixty degrees twenty-five minutes west along said side of High street three hundred feet to the point and place of beginning

Section 2 The title of said real estate shall be taken in the name of the Commonwealth of Pennsylvania and shall before its acquisition be approved by the Department of Justice

Section 3 Upon the acquisition of the property aforesaid the Pennsylvania Historical Commission shall be given full control management and supervision thereof and shall have power to adopt and carry into effect plans for the improvement and maintenance thereof and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public and shall be assisted by an advisory board composed of the President and Vice President of the Pottstown Historical Society the Burgess of the Borough of Pottstown and the President of the Pottstown Chamber of Commerce

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,
Shall the bill pass finally?
The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
DiSilvestro,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzler,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECONSIDERATION OF SENATE BILL No. 292

Mr. GELTZ. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 292 (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose

passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. SNOWDEN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. SNOWDEN. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Mr. THOMAS. Mr. President, I desire to offer amendments.

Mr. GELTZ. Mr. President, I ask the indulgence of the Chair for a minute.

AMENDMENTS WITHDRAWN

Mr. THOMAS. Mr. President, I will withdraw the amendments.

And the question recurring

Will the Senate agree to the bill on second reading?

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CROWE. Mr. President, I ask unanimous consent that Senate Bill No. 443, on third reading, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 491, as follows:

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as "The Sabotage Prevention Act"

Section 2 Definitions "Public Utility" includes any pipe line gas electric heat water oil sewer telephone telegraph radio railway airplane transportation communication or other system by whomsoever owned or operated for public use

Section 3 Intentional Injury to or Interference with Property Whoever intentionally destroys impairs injuries interferes or tampers with real or personal property within this State with reasonable grounds to believe that such act will hinder delay or interfere with the preparation of the United States or of this or any other state for defense or for war or with the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations is guilty of a felony and on conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000) or to undergo imprisonment not exceeding ten (10) years or both Provided That if such person so acts with the intent to hinder delay or interfere with the preparation of the United States or of this or any other state for defense or for war or with the prosecution of war by the United States the minimum punishment shall be imprisonment for not less than one (1) year

Section 4 Intentionally Defective Workmanship Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or this or any other state for defense or for war or for the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations or that such article or thing is one of a number of similar articles or things some of which are intended so to be used shall on conviction thereof be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000) or to undergo imprisonment not exceeding ten (10) years or both Provided if such person so acts or so fails to act with the intent to hinder delay or interfere with preparation of the United States or of this or any other state for defense or for war or with the prosecution of war by the United States the minimum punishment shall be imprisonment for not less than one (1) year

Section 5 Attempts Whoever attempts to commit any of the crimes defined by this act shall be liable to one-half the punishment prescribed for the completed crime In addition to the acts which constitute an attempt to commit a crime under the law of this State the solicitation or incitement of another to commit any of the crimes defined by this act not followed by the commission of the crime the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime or the entry with or without permission of a building enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime

Section 6 Conspirators If two or more persons conspire to commit any crime defined by this act each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit whether or not any act be done in furtherance of the conspiracy It shall not constitute any defense or ground of suspension or judgment sentence or punishment on behalf of any person prosecuted under this section that any of his fellow conspirators has been acquitted has not been arrested or convicted is not amen-

able to justice or has been pardoned or otherwise discharged before or after conviction

Section 7 Witnesses' Privileges No person shall be excused from attending and testifying or producing any books papers or other documents before any court magistrate referee or grand jury upon any investigation proceeding or trial for or relating to or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence documentary or otherwise required of him by the State may tend to convict him of a crime or to subject him to a penalty or forfeiture but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may so testify or produce evidence documentary or otherwise and no testimony so given or produced shall be received against him upon any criminal investigation proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony

Section 8 Unlawful Entry on Property Any individual partnership association or corporation of this State or any political subdivision thereof engaged in or preparing to engage in the manufacture transportation or storage of any product to be used in the preparation of the United States or of this or any other state for defense or for war in the prosecution of war by the United States or by any country with which the United States shall then maintain friendly relations or the manufacture transportation distribution or storage of gas oil coal electricity or water or any of said natural or artificial persons owning or operating or both any public utility whose property except where it fronts on water or where there are entrances for railway cars vehicles persons or things is surrounded by a fence or wall or a fence or wall and buildings may post around such property at each gate entrance dock or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission" Whoever without permission of such owner shall wilfully enter upon premises so posted is guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not exceeding fifty dollars (\$50.00) or to undergo imprisonment not exceeding ten (10) days or both

Section 9 Questioning and Detaining Suspected Persons Any peace officer or any person employed as watchman guard or in a supervisory capacity on premises posted as provided in section eight may stop any person found on any premises to which entry without permission is forbidden by section eight and may detain him for the purpose of demanding and may demand of him his name address and business in such place If said peace officer or employe has reason to believe from the answers of the person so interrogated that such person has no right to be in such place said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of section eight and said employe shall forthwith release such person or turn him over to a peace officer who may arrest him without a warrant on the charge of violating the provisions of section eight

Section 10 Rights of Labor Nothing in this act shall be construed to impair curtail or destroy the rights of employees and their representatives to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 11 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 12 Relation to Other Statutes All acts or parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act If conduct prohibited by this act is also made unlawful by another or other laws the offender may be convicted

for the violation of this act or of such other law or laws
 Section 13 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,
 On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, this bill is what has been referred to as a sabotage prevention bill. I do not want it to be understood that I am opposed to the bill, which would make sabotage criminal, but I can not see that I can vote for the bill that is now before us. There are some very unusual provisions in this bill. It is a far-reaching bill, a very drastic bill.

However, I do agree that no penalty can be too drastic when applied to an individual who might engage in the work of sabotaging property that is used or operated in the production or manufacture of materials for the defense of this country.

One very unusual provision in this bill appears on page two, line five. If we read section three it reads as follows: "Whoever intentionally destroys, impairs, injures, interferes or tampers with real or personal property within this state with reasonable grounds to believe that such act will hinder, delay or interfere with the preparation of the United States or this or any other state for defense or for war or with the prosecution of war by the United States—" and at that point I pause because here is what I think is very objectionable—"or by any country with which the United States shall then maintain friendly relations is guilty of a felony—" Now, Mr. President, who is going to decide with what country the United States might be on friendly relations? Who decides that problem? A jury, a court or whom? When is the United States on friendly relations with a foreign country? Are we on friendly relations with every country with whom we are not at war?

Now, gentlemen, this bill is a far-reaching bill. That particular part of this section I have mentioned appears in other parts of this bill. There is another section that is not drastic but is meaningless in the bill before us, and that is section ten, pertaining to the rights of labor. In that section it says "Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection."

That is the identical language of the National Labor Relations Act, Section 7. That section is absolutely meaningless; it does not mean anything in this bill when it is not coupled up with the other provisions of the National Relations Act, defining what are unfair labor practices.

I may also note this, that I might be here wasting my breath talking against this bill. I realize there has been party action, and no doubt it will pass over to the House, but I do also feel that the House will never pass a bill of this kind. There is right now on the House list of bills one containing the identical wording, the identical sections, the identical provisions, now in the House, which is in committee.

This bill will be reposing in that committee and will not pass but I feel that if we would take the time here in this Senate to correct the bill to make it acceptable,

to make it workable, that the House would find it very difficult not to pass a sabotage prevention bill. We need one, it is very necessary but you cannot draw a bill like this so loosely, so confusing.

If you go to section 2 it defines the words "Public Utilities" and then there is nowhere that that phrase "public utility" appears excepting on page five, connecting it up there with the unlawful entry of property, and it is not coupled up with any other section of the bill.

Mr. President, I inquired of the gentleman from Bucks, Mr. James, for whom I have a great respect, and I did not want to rise to speak on this bill and say that it was poorly drawn, loosely drawn, showing great lack of cohesion in its phrasing and all of that, without making sure that the gentleman from Bucks had not drawn the bill up himself, and I have been assured that he did not himself draw the bill up, and I honestly believe that if the gentleman from Bucks had drawn the bill up himself and used his own language and phraseology I think the bill would have been drawn up a whole lot better.

My suggestion to the sponsor of this bill is to allow the bill to go over in its order and see if we can not work this bill into a good bill. I would like to vote for the bill but I do not want to vote for a bill I know has no chance of passing in the House of Representatives. If I was there I would not vote for a bill of this kind, but I am sincere when I tell you we ought to have a sabotage prevention act and a drastic one, but it ought to be such an act we can understand and not include such things as by any country with which the United States then maintains friendly relations. I might think we are on friendly relations with Japan; I might think we are on friendly relations with Russia at this time, with whom we have many commercial pacts. There are a lot of people that might think we are on friendly relations with France and Spain and all the other countries.

Now, gentleman, you pass a law like this and a man is charged with any of those crimes and he comes in before a jury and you may have men on that jury that might think we are not on friendly relations with some foreign country, when in truth and fact the Department of State of the United States of America may be on very friendly relations with that foreign country.

Mr. President, this bill is not specific and is not a proper kind of a bill and I conclude by telling you I honestly believe we do need a sabotage prevention bill, but I think this bill is very confusing and very uncertain.

Mr. DENT. Mr. President, I am not going to go into a general discussion on this bill, but I want to say under a practical application of the provisions of this bill if an innocent worker should happen to stumble while carrying a tray of military defense materials and he should happen to fall and caused some kind of damage he would be fined ten thousand dollars, but if he should happen to stumble and does not fall, then he gets a fine of five thousand dollars.

Mr. JAMES. Mr. President, it might be of interest to know how this bill came to be drafted. I did not prepare the bill; I did not draft it; it is not in my language.

The Governor of the Commonwealth of Pennsylvania sometime ago appointed me as a member of the Crime Commission of Pennsylvania and as a member of that Crime Commission I attended a conference in the City of Washington which was called at the instance of the Attorney General of the United States. That conference

was composed of attorneys general of all the states in the Union and members of the Crime Commissions of the various states.

One of the main objectives was to draft legislation in relation to sabotage, and this act of assembly was drawn and prepared by a sub-committee and approved by those distinguished lawyers from all over the country, as the general form of a model or uniform act, with the exception of section ten. Section ten was not included in the act which was suggested at that conference; it was omitted.

In this bill section ten was included for the purpose of protecting, and I think it does protect, the rights of labor and if I felt, Mr. President, that the rights of labor were not protected under this bill as it is drawn I am very frank to state I would withdraw the bill and certainly would not vote for it.

It seems to me the language, broad and comprehensive and while it does not specify individual acts which may be governed by section ten, in its broad comprehension, in its language, it provides and protects labor engaged in concerted activities for the purpose of collective bargaining for mutual aid or protection.

Mr. President, it seems to me the case cited by my friend from Westmoreland is not in point, for the reason that you will find in this bill there must be an intentional commission of a crime, if it is committed innocently and unintentionally and without deliberate intent to commit the crime of sabotage, then the bill does not apply.

I am very frank to confess that the gentleman from Fayette and myself have spent an hour or two trying to rephrase and reframe this bill, and it may have been possible and possibly could have resulted in redrafting this bill entirely, and if we had redrafted the bill it might have been in better form, but I believe with the approaching end of the session in sight and the importance of this bill that it ought to be passed, especially in the light of the fireside chat to which we listened last night by our President and the proclamation then uttered, and whether it is good or bad I believe it will accomplish the purpose so far as it goes.

Therefore, Mr. President, I appeal to my brethren on both side of the chamber to vote in favor of this bill.

Mr. McQUIDDY. Mr. President, both the A. F. O. L. and the C. I. O. organizations have gone over this act very very carefully and we do not want any part of it. We are going to ask those of you who are friends of labor in the State of Pennsylvania and have respect for labor to vote against this bill. It is a dangerous proposition.

Mr. DENT. Mr. President, I desire to interrogate the sponsor of this bill.

The PRESIDENT. Will the gentleman from Bucks permit himself to be interrogated?

Mr. JAMES. With pleasure, Mr. President.

Mr. DENT. Mr. President, I desire to ask the gentleman from Bucks whether an interpretation of this act will allow a strike, a legitimate strike, to be called in an industry that happens to be doing defense work, without it being called an intentional act or an act of sabotage?

Mr. JAMES. Mr. President, I did not quite hear the interrogation of the gentleman from Westmoreland.

Mr. DENT. I say, Mr. President, is there an interpretation in this act which will alter the present status of employer and employe representation, whereas there might be a strike in an industry producing defense material,

would a strike leader come under the provisions of this bill and be called a saboteur.

Mr. JAMES. That is not the intention of the bill, Mr. President.

Mr. DENT. Mr. President, labor union attorneys claim that under a strict interpretation of this bill a person who is leading a legitimate strike for legitimate purposes might find himself confronted with the provisions of this act.

Mr. JAMES. I might say to the Senator from Westmoreland if I believed that would be the effect of the bill, that if this bill created that condition, I would vote against the bill.

Mr. DENT. I thank the gentleman from Bucks. I want to say to the Senator, Mr. President, the Federal Government has passed an anti-sabotage act which covers the ground rather thoroughly and federal laws, I think, supersede state laws insofar as matters pertaining to sabotage or national defense are concerned. Therefore I believe that sufficient laws have been passed relative to the subject, whether it effects labor's relationship with the employer or not is a question, and therefore I do not intend to trust the future of innocent men to some judges that I happen to know.

Mr. JAMES. I might say, Mr. President, this act was recommended, as I recall, by the Attorney General of the United States of America at a conference held, as I detailed, in Washington a little while ago. It was the consensus of opinion at the time this act was prepared; it was a general form or model of suggestion to various states to adopt in order to cover the matter of sabotage.

Mr. DENT. I understood that was true in the early part of the year, that was the case, is that correct?

Mr. JAMES. That is correct, Mr. President.

Mr. DENT. I understand since there has been a change because of federal acts covering the subject. Now, if the Senator from Bucks can show where the Attorney General of the United States asked that this act be passed I am sure passage of the bill will be made much easier.

Mr. JAMES. I can only repeat, Mr. President, what I have stated. He did not personally, as I recall, ask that this act should be passed, or one exactly like it, but this bill was framed as a result of that convention held at his suggestion, at which he was present, and he certainly implied if not expressly agreed to this form of a bill. He may have changed since that time, I do not know. As I recall, that was my own personal experience at that convention, in which not only the State of Pennsylvania but every state of the United States participated, by its attorneys general and by its members of the Crime Commissions. As I stated previously, and repeat now, if I believed this bill would result as the gentleman from Westmoreland says, disadvantageously to labor, I certainly would not vote for it.

Mr. DENT. I thank the gentleman from Bucks very much. Can the gentleman from Bucks tell me how many states have passed laws similar to this.

Mr. JAMES. I did not hear the question, Mr. President.

Mr. DENT. Can the gentleman from Bucks tell me how many states have passed laws similar to this?

Mr. JAMES. Mr. President, I cannot answer, Mr. President. I do not know how many states have passed similar legislation, but I understand quite a number of states have done so; some have passed such a bill with modifications. The gentleman from Fayette, Senator Cavalcante,

I think could help me answer that question, because he and I reviewed the statutes of several states. The number I cannot tell you, but I am sure there are quite a number. They are not all drafted exactly as this act, some of them are modifications of this act and I believe some are drafted exactly.

Mr. DENT. I thank the gentleman from Bucks, Mr. President. May I now interrogate the gentleman from Fayette?

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Yes, Mr. President.

Mr. DENT. Mr. President, does the gentleman from Fayette have any knowledge of any act passed by other states similar to this one?

Mr. CAVALCANTE. Mr. President, no state as yet has passed any such bill, to my knowledge. My information, which is accurate, is that there are forty-two state legislatures that have met this year, and are still in session, which have bills of this kind in one form or another before them.

Mr. DENT. Mr. President, I understand the gentleman from Fayette has made somewhat of a study of this problem, together with the gentleman from Bucks, the sponsor. Would the gentleman from Fayette recommend this as a good piece of legislation?

Mr. CAVALCANTE. Mr. President, in answer to that question I do not want to be egotistical about this matter. I have devoted considerable time to a study of this bill; I have studied it for practically six days, a half hour an hour or two hours a day studying this bill, studying every word and every phrase of it.

I can not agree with the gentleman from Bucks that this bill will not prevent the calling of legitimate strikes. The reason why it does not exclude that is because there is nothing in the bill to exclude that. As I pointed out, Section 10 is the identical language of Section 7 of the National Labor Relations Act, but the Supreme Court of the United States has held that that section in the act, standing alone, means nothing unless you couple that section up with the other sections of the National Labor Relations Act which defines what are unfair labor practices. This bill before us does not define just what labor can do and what labor can not do, and I am sincere when I tell you that if I was in the House of Representatives, as much as I desire a sabotage prevention act and as needy as it is, I would never vote for this bill in its present form. But I would be willing to sit down with any draftsman to go over it and provide a real comprehensive bill and I would make it as drastic as this bill now might appear to be.

Mr. DENT. Mr. President, I wish to thank the gentleman from Cambria for his answer.

Mr. JAMES. I might say to the gentleman from Fayette that his suggestion made to me that this bill should be enlarged meets with my hearty approval. His suggestion is that the bill should apply not only to pipe lines and gas lines, water and so on, but he has also suggested that it be enlarged to include manufacturers and other industries and I think that is a very good suggestion, but it was not included in the bill and if there were sufficient time, I think as to that particular phase of this bill, it would be well to have it amended; but as the time is so short, with amendments bringing in those additional utilities, the danger of delay is that no sabotage act at all

could be passed, and therefore under the circumstances I would like to ask that this bill be adopted.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Fayette.

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Yes, Mr. President.

Mr. REED. Mr. President, I desire to ask the gentleman from Fayette in what respects would he amend this bill so that it would be a good bill in his opinion.

Mr. CAVALCANTE. I would amend it, Mr. President, to specifically name as the real and personal property to be protected the property of assembling plants and may I be more specific on that? Let us take for example the Ford automobile factory. They may make one part of an automobile in Detroit, another part in Cleveland and another part somewhere else, and then those parts might be sent to New York or California and there be assembled into the complete product—the automobile.

Now, Mr. President, I do not know that this bill would protect that particular property. The bill does not mention mining properties; which are so essential at this time to the production of coal used in national defense; it does not mention specifically manufacturing plants, properties or places where war materials might be stored.

I would amend this bill, to be specific on that, I would delete from the bill reference to any country with which the United States may then maintain friendly relations. I think that is very confusing in the bill. I would delete from it that portion which makes a difference between a defense committee when the United States is preparing for defense and the same defense committee if we are in war. I think that defense always precedes war, and a person who commits sabotage while we are preparing for war should receive just as severe a penalty as the man who might commit sabotage while we are actually in war, because if we are actually in war and sabotage is committed then it comes more under the heading of treason and we ought to have firing squads for people of that kind when we are actually in war and they try to sabotage us. I would correct the bill so as to wipe out that definition as now made by this bill.

I would then clarify a little better the rights of labor under this bill by connecting up their rights with the statute of the National Labor Relations Act and fitting this section pertaining to rights of labor with the National Act.

I would then phrase or amend this bill as to its operations. I would see that during our preparation for defense this bill, and while we are in war, the bill ought to be effective, but whenever there is no state of war, whenever we are not in preparation for defense, the Governor ought to be given the power to suspend the operations of the act.

Mr. REED. I thank the gentleman from Fayette for his explanation. I would like now, Mr. President, to interrogate the gentleman from Bucks.

The PRESIDENT. Will the gentleman from Bucks permit himself to be interrogated?

Mr. JAMES. Yes, Mr. President.

Mr. REED. Mr. President, assuming that the gentleman from Bucks heard the suggested changes in the bill just given by the Senator from Fayette, would he agree to have those changes made?

Mr. JAMES. Mr. President, I may say to the Senator

from Washington I regret that this bill was not introduced earlier in the Session. I concur with the Senator from Fayette County that this is not drawn as well as it might be drawn, and it might be improved and could be improved, probably very materially, but as I stated before, if this bill is now referred back to committee to have amendments made, with the approaching close of the Session, I am afraid there would be no sabotage bill passed at all and I would rather have this bill than none.

Mr. REED. Mr. President, it appears from what the gentleman from Fayette said in his first discourse on this bill, that if it went over to the House in its present form we would get no bill at all.

Now, Mr. President, it seems to me, due to the gravity of the situation today and due to the importance of a bill of this nature, that it might be well to take another day and see if we could not put this bill in shape so that it would pass both Houses, and if we could let the bill go over in its order for another day I see no reason why we would not be able to work out a bill that would perhaps be agreeable to both bodies. This is a bill which embodies a very important principle at this time and I would certainly like to see a good bill passed at this Session, but if we get tangled up in the rush of the last few weeks of the Session we might get no bill at all.

Mr. JAMES. That is the danger, Mr. President.

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Bucks.

The PRESIDENT. Will the gentleman from Bucks permit himself to be interrogated?

Mr. JAMES. Yes, Mr. President.

Mr. JASPAN. Mr. President, I desire to know whether or not the Attorney General of the United States, Robert Jackson, recommended legislation of this character?

Mr. JAMES. He did, Mr. President.

Mr. JASPAN. He did?

Mr. JAMES. He did, sir, in his speech, at which time there were present a large number of law officers; in fact this bill was drawn in his office as I understand.

Mr. JASPAN. Has the gentleman from Bucks received a communication from Attorney General Jackson recommending such legislation?

Mr. JAMES. Not personally. He did, as I said, talk to us at the convention about that.

Mr. JASPAN. Mr. President, have any changes been made in the legislation as recommended by the Attorney General?

Mr. JAMES. That I can not tell you, Mr. President.

Mr. JASPAN. The gentleman from Bucks does not know?

Mr. JAMES. No, Mr. President. I know this was a model bill drafted at his suggestion, and I recall, it was drawn in his office or with his approval.

Mr. WALKER. For the information of the gentleman from Philadelphia, Mr. Jaspán, I would like to suggest that I understand the model bill, section ten on page six, was not a part of the model bill, and that is the only change in the model bill that was submitted to the conference of attorneys-general of the various states by the Attorney General of the United States, Robert Jackson.

Mr. President, I understand this bill was urged by Attorney General Jackson at that conference and that he recommended it to the various attorneys-general of all the states attending that conference and to the delegates.

I say very frankly to the Senator from Philadelphia,

Mr. Jaspán, I have the utmost confidence in Attorney-General Jackson and I think he knows what he is doing and I think he is whole-heartedly anxious to have this bill adopted by the various states, and there is no doubt in my mind, in full accord with the present program and the proclamation of the President, and with the knowledge he has of what the administration in Washington is attempting to do, Attorney General Jackson feels this bill is but another step in a history-making epoch-making proclamation that was mentioned in His Excellency's speech last night to the nation at large, and I think out of deference, if nothing else, to the call placed before us by the Commander-in-Chief of the Army and Navy of the United States, this bill should receive our very careful consideration.

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Gladly, Mr. President.

Mr. JASPAN. Mr. President, I desire to know what change was made in the bill following the recommendation made by the Attorney General. Does the gentleman from Allegheny know?

Mr. WALKER. Mr. President, the only change that was made, according to my information, was the insertion of section ten on page six of the bill, from lines nine to fifteen inclusive.

Mr. JASPAN. To what does that refer, Mr. President?

Mr. WALKER. That refers to the rights of labor and it says "nothing in this act shall be construed to impair, curtail or destroy the rights of employes and their representatives to self-organization to form, join,"— and so on. I will read it all into the record if the gentleman from Philadelphia so desires.

Mr. JASPAN. That is all right. I desire to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. WALKER. Gladly, Mr. President.

Mr. JASPAN. Will the gentleman from Allegheny tell me why labor is then opposed to that particular section?

Mr. WALKER. Mr. President, I am sorry I am one of those unfortunate citizens of Pennsylvania that did not start to work in the mines at an early age and in my practice of the law I represent employers and not employes and the leaders of labor have not yet given me their confidence and I do not know why they oppose it. I do not even know, Mr. President, that they do oppose it.

I represent one of the largest industrial districts in the Commonwealth of Pennsylvania. I have more manufacturing plants in my district than anywhere else in Pennsylvania and I have gone around talking to fellows who work in the mills, the open hearth mills and the sheet mills, they live on my street and they are friends and members of the same Legion Post, and they are the working men of Pennsylvania, and they have told me they are for this heart and soul because they are against sabotage and they are willing to do anything in their power to stop it and they know the President of the United States and Attorney General Jackson are not going to recommend something that would be detrimental to the working men of Pennsylvania.

Mr. JASPAN. Mr. President, I very well appreciate why labor has no confidence in the gentleman from Alle-

gheny, Mr. Walker, because he is on the wrong side of the fence.

However, Mr. President, as to the last question asked of the gentleman from Allegheny, I feel that the gentleman from Fayette can answer the question and I think that I will put the same question to him, if he sees fit to answer it.

Mr. CAVALCANTE. Mr. President, I think that I am qualified to answer that last question. I am not a working man in the light that I go down in the coal mines any more. I live right around them and I see a lot of the smoke and dust, and I have seen a lot of it; I am now a professional man practicing law and have been out of the mines for some time, but I do have considerable contact with those who are leaders of labor.

Now, let me just make this clear. In answer to the question of the gentleman from Philadelphia, Mr. Jaspan, let me say that labor and labor leaders that I have spoken to are not opposed to a sabotage prevention act; they are all unanimous in favor, but they are opposed to a confusing act, the way this bill is drawn up, and they are opposed to this section ten, because we know and they know that the Supreme Court of the United States has decided cases under this section, under this language, and the opinion of the Supreme Court is that this section would be meaningless, would mean nothing, unless it is coupled up with other sections of the National Labor Relations Act.

I would like an opportunity to amend this bill in that light, so as to make this section ten clearer than what it is. Labor has no objection to a sabotage prevention act.

Mr. JAMES. Mr. President, may I say for the information of my friends, as sponsor of this measure I received no protests from any labor organization or people representing labor organizations. On the contrary, in my own town I have been complimented by labor unions, by individual members of labor unions, rather, upon the protection of labor in this bill, and they were for this bill as American citizens.

I may say again for the information of my friends that this bill was not only approved by the Attorney General of the United States at that time, but its passage advocated very earnestly by J. Edgar Hoover, Secret Service head of the United States of America, and he did that in open session where there were at least, I think, one thousand members present.

They have not changed the general purpose of this bill. They may have changed the language in some of the particulars, but as to the end to be accomplished that will not be changed in my opinion, and instead of modifying the bill, as time goes by and the nearer we approach to war, the more drastic will be their recommendation.

Mr. McQUIDDY. Mr. President, I have before me, and I would like to read just a short paragraph on the stand of labor upon this bill.

"This bill is very loosely drawn, so as to be of doubtful value to prevent sabotage in public defense, but it would make it easy for officials to put a stop to union activities and arrest union representatives on trumped-up charges."

"Since defense is a federal responsibility, and the federal authorities are better equipped to handle the problem, it is felt no useful purpose can be served by enacting such legislation in the state."

Now, Mr. President, there is one great field of labor that this bill does not even take into consideration, and that is

the field in the railroad line. Now men, I tell you we of labor do not want any sabotage, but we do want this bill drawn and drawn so that we are protected, all branches of labor, the C.I.O., the A.F.O.L. and the Railroad Brotherhoods, and if you will draw up legislation of that kind, you will find us with you, but as this bill is drawn today, we cannot stomach it.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,
Becker,
Carr,
Chapman,
Crider,
Crowe,
Ealy,
Edmonds,

Farrell,
Geltz,
Heyburn,
Homsher,
James,
Kephart,
Letzler,
Mallery,

Miller,
Snowden,
Stevenson,
Tallman,
Taylor,
Thomas,
Tyler,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—17

Barr,
Cavalcante,
Coleman,
Cox,
Dent,

DiSilvestro,
Frey,
Haluska,
Jaspan,

Lanius,
McCreesh,
McGinnis,
McQuiddy,

Reed,
Ruth,
Shapiro,
Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL NO. 185 CALLED UP WHICH WENT OVER IN ITS ORDER ON THIRD READING

Mr. MCGINNIS. Mr. President, I now call up Senate Bill No. 185, on third reading, page 3 of the Calendar, which went over in its order.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 185, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to consent of, and notice to be given to, parents of the person proposed to be adopted.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MCGINNIS. Mr. President, I ask unanimous consent to offer the following amendment: Amend Section 2, subsection 2.1, page 3, line 13, by inserting after the word "parents" and before the word "notice" the following: "consent of the parent or parents shall not be necessary and."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 508, as follows:

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" is hereby amended to read as follows

Section 2320 State Council for the Blind The State Council for the Blind shall have the power and its duties shall be

(a) To formulate a general policy and program for the prevention of blindness and for the improvement of the condition of the blind in this Commonwealth Such policy and program shall be modified from time to time as may be found necessary or advisable in the light of improvements in method and practice

(b) To make recommendations in accordance with such policy and practice to the several executive and administrative departments boards and commissions of this Commonwealth and to any public or private agencies therein which may be in any way concerned with work with or for the blind

(c) To cooperate with State and local agencies both public and private in taking steps to prevent the loss of sight in alleviating the condition of blind persons and persons of impaired vision in extending and improving the education advisement training placement and conservation of the blind and in promoting their personal economic social and civic well-being

(d) To act as a means for communicating with other State agencies public or private and with national agencies and to cooperate in efforts to procure an enactment of legislation regarding the prevention of blindness the improvement of the blind or the regulation of private agencies for the care of the blind

(e) To collect systemize and transmit to the Department of Property and Supplies for publication and distribution to other agencies information in regard to blind persons and persons of impaired vision in this Commonwealth including their present physical and mental condition the causes of blindness and the possibilities of improvement of vision their financial status and earning capacity their capacity for education and vocational training and any other relevant information looking toward the improvement of their condition

(f) To refer cases of blind persons or problems in relation to the blind or prevention of blindness to such agencies public or private as may be likely to deal most successfully with them

(g) To encourage the cooperation of all agencies public and private doing work for the blind in this Commonwealth and of the agencies whose work is related to the prevention of blindness

(h) To supervise the expenditures of State appropriations made to such agencies except in cases in which such supervision is by law within the powers or duties of some other administrative department board or commission

(i) To furnish or make available medical treatment surgical operations eye glasses and other necessary aids or services including transportation to needy blind persons or persons with impaired vision for the purpose of improving or restoring their vision These services and aids shall not be furnished unless they are otherwise unavailable and in no case shall the total cost thereof exceed one hundred dollars (\$100) per person

(j) To take any action and to adopt any regulation necessary to carry out the objectives of paragraph (i) of this section and in furtherance of those objectives to accept any grants or contributions from the Federal Government or any agency thereof

Any such grants or contributions shall be held by the State Treasurer as custodian for the State Council for the Blind and shall be paid out on requisition of the State Council of the Blind without further appropriation

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,

Crowe,
Deltrick,
Dent,
DiSilvestro,

Jaspan,
Kephart,
Lanius,

Shapiro,
Snowden,
Stevenson,

Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 509, as follows:

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment surgical operations eyeglasses or other necessary aids or services to needy blind persons or persons with impaired vision

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred twenty-five thousand dollars (\$125,000) or so much thereof as may be necessary is hereby specifically appropriated to the State Council for the Blind for the two fiscal years beginning June first one thousand nine hundred and forty-one to be used for supplying medical treatment surgical operations eyeglasses and other necessary aids or services including transportation to needy blind persons or persons with impaired vision for the purpose of improving or restoring their vision.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,
Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deltrick,
Dent,
DiSilvestro,

Ealy,
Edmonds,
Farrell,
Frey,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,
Lanius,

Letzler,
Mallery,
McCreesh,
McGinnis,
McQuiddy,
Miller,
Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Stiefel,
Tallman,
Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or

belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 731, (House Bill No. 960), as follows:

An Act to amend section one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale of having in possession with intent to sell or adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or persons by himself herself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell sausage that is adulterated within the meaning of this act The possession of any adulterated sausage shall be deemed prima facie evidence of the intent to sell such sausage

Section 2 Defining sausage That for the purpose of the act sausage or sausage meat shall be held to be comminuted meat as defined by the Department of Agriculture from cattle or swine or a mixture of such meats either fresh salted pickled or smoked with or without added salt and spices provided they do not conceal damage or inferiority and with or without the addition of edible animals fats blood and sugar or subsequent smoking It shall contain no larger amount of water than the meats from which it is prepared contained when in their fresh condition except as hereinafter permitted If it bears a name descriptive of kind composition or origin its contents shall correspond to the kind composition or origin indicated by such name

Section 2 Section three and five of said act as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2670) are hereby further amended to read as follows

Section 3 That for the purpose of this act sausage shall be deemed to be adulterated

First If it does not conform to the requirements and definition for sausage in section two hereof

Second If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter excepting such water and ice as may be added for the purpose of facilitating grinding chopping and mixing and which shall in no case exceed three per centum in sausage which is not cooked or smoked and ten per centum in sausage which is cooked or smoked as determined by the methods prescribed by the Department of Agriculture all tolerances having been allowed for

Third If it contains any cereal vegetable flour vegetable product milk powder or cracklings

Fourth If it contains any coal-tar color or any added natural color vegetable coloring boric acid or borates sulphites sulphur dioxide sulphurous acid or any other chemical preservative or other substances injurious or deleterious to health

Fifth If it contains any diseased contaminated filthy or decomposed substance or is manufactured in whole or in part from a diseased contaminated filthy or decomposed substance or a substance produced stored transported or kept in a way or manner that might render the article diseased contaminated or unwholesome or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter

Section 5 That the Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulation setting up definitions and standards for sausage of particular kind composition or origin within the general definition for sausage in section two thereof

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lantus,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 753, (House Bill No. 645), as follows:

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine

hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby further amended to read as follows

Section 348 Contracts—All contracts made by the commissioners of any county involving an expenditure exceeding one hundred dollars except contracts for building rebuilding or repair of bridges or for painting or tightening the bolts of iron bridges as hereinafter provided for shall be in writing and shall immediately after their execution be filed with the controller No contract shall be made nor the payment thereof certified by the controller for over three hundred dollars except in counties of the second class in which counties of the second class the amount of said contract shall not exceed (\$500.00) five hundred dollars unless made with the lowest and best bidder after due notice to be published by the controller if he approves the purpose of the proposals invited All bids shall be received by the controller under seal and shall be opened in his presence by the commissioners and the contracts awarded thereon The controller shall keep a record of all such awards and shall certify no warrants for contracts not made agreeably thereto Provided however That on an appeal heretofore or hereafter taken from a controller's report the court shall not be required to enter or to sustain a surcharge for failure to comply with the provisions of this section where it appears that the county commissioners acted honestly and in good faith for the best interests of the county and where no loss or damage resulted to the county from such non-compliance

Section 2 This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy.	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante.	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 776, on third reading, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

go over in its order.

The PRESIDENT. Is there objection?

Mr. WALKER. Mr. President, I have no desire to object to the request, but I would like to interrogate the gentleman from Lackawanna, Mr. Coleman.

Mr. FARRELL. Mr. President, I object.

Mr. WALKER. Mr. President, I am not certain, but I think I have the floor.

The PRESIDENT. The gentleman from Lackwaanna, Mr. Coleman requested that Senate Bill No. 776 go over in its order, and the gentleman from Allegheny, Mr. Walker, arose to interrogate the gentleman from Lackawanna. The gentleman from Allegheny, Mr. Walker, has the floor.

Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. President.

Mr. WALKER. Mr. President, I would like to ask the gentleman from Lackawanna if he would mind giving us his purpose for having the bill go over in order, or the reason for his request? I am deeply interested in this bill, because it effects and make material changes in Allegheny County, something that we have looked forward to for a number of years.

Mr. COLEMAN. Mr. President, my answer may be daring in its candor but it is at least refreshing. I am asking that Senate Bill No. 776 go over in its order because I want to talk on the bill and since those of us on the Democratic side would like to have the Senate recess at some reasonable hour this afternoon so that we can trek to Hershey and pay tribute the Majority Floor Leader of the House, I have made that request.

Mr. WALKER. Mr. President, I of course have no desire to interfere with that tribute to the Majority Floor Leader in the House, and I personally made no objection at this time, with the understanding that tomorrow the request will not be repeated, because we are not going to have two days of celebration, or are we?

Mr. COLEMAN. Mr. President, while I can not speak for the rest of the Senators on the Democratic side, the gentleman from Allegheny has my positive assurance the request will not be repeated.

Mr. COLEMAN. My definite reason, Mr. President, as I stand before, is that I propose to speak at some length on this bill and I do not want to bore the Senate now, particularly since the revenue raising bill is before us today.

Mr. WALKER. Mr. President, I want to assure the gentleman from Lackawanna any time he speaks on the floor of this Senate, whether it be on a bill or on just on general principles, he wil never bore the gentleman from Allegheny, Mr. Walker.

Mr. FARRELL. Mr. President, I object to Senate Bill No. 776 going over in its order.

Mr. CAVALCANTE. Mr. President, I have another reason why this bill should go over in its order, and I would like to state it to the gentleman from Philadelphia, Mr. Farrell.

I have been advised by the gentleman from Philadelphia, Mr. McCreesh, that he represents the Fourth Senatorial District, and that he is not able to find his district in this bill, and he is uncertain whether they left it in or out of this bill, and I think we owe him the courtesy at least of another day to see whether he can find his district.

Mr. KEPHART. Mr. President, if the gentleman from Philadelphia, Mr. McCreesh, will look in my district, I think he will find it.

Mr. FARRELL. Mr. President, I will withdraw my objection until Mr. McCreesh finds his district.

The PRESIDENT. The gentleman from Philadelphia, Mr. Farrell, removes his objection and therefore the request of the gentleman from Lackawanna, Mr. Coleman, that Senate Bill 776 go over in its order is granted.

Mr. MILLER. Mr. President, with reference to Senate Bill 776, I should like to direct the attention of the clerk to a typographical error affecting my Senatorial District. On page three, line nineteen, I would like to have corrected the spelling of the word "Nuangole." It is spelled "N-u-a-n-g-o-l-a." That might be the means of ruling me out of that particular borough, and I would not like that to happen.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this is the bill to which I called attention yesterday. I have discussed the bill with Senator Wilson and Senator Deitrick, both of whom are interested, and with House Members, and with their consent I have prepared amendments to the bill which I now propose to offer.

The purpose of these amendments is to provide that in a county which is seeking to have its classification changed, it shall not lose a number of votes in the future that it may be entitled to by reason of the present wording of this act, and it confines the deduction of residents in areas owned by the Federal Government to those persons who are included in the census and are living in the areas at the time.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer the following amendments:

Amend Section 1, page 2 line 8, by inserting after the word "the" and before the word "number" the following: "aggregate"; amend section 1, page 2, line 9, by inserting after the word "persons" and before the word "residing" the following: "who were included in the last preceding decennial United States census and who at the time the said classification is being ascertained and fixed are".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 846, (House Bill No. 228), as follows:

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 57) are hereby reenacted and further amended to read as follows

An Act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Cigarette Tax Act"

Section 2 The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" Any partnership limited partnership or other form of unincorporated enterprise owned by two or more persons

"Dealer" Any wholesale dealer and in the cases hereinafter prescribed retail dealers The term "wholesale dealer" shall include any person who or which sells within Pennsylvania cigarettes to retail dealers or for purposes of resale or who or which purchases cigarettes directly from any manufacturer for purposes of resale The term "retail dealer" shall include every person other than a wholesale dealer who or which receives from any source whatsoever cigarettes for the purpose of sale to consumers in Pennsylvania or for any other purpose than that of resale whenever the packages of cigarettes so received do not have affixed to them the stamps evidencing the payment of the tax imposed by this act

"Department" The Department of Revenue of this Commonwealth

"Package" The individual package box or other container in or from which retail sales or cigarettes are normally made or intended to be made

"Person" Every natural person association or corporation

tion Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof "Cigarettes" Any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored adulterated or mixed with any other ingredient the wrapper or cover of which is made of paper or any other substance or material excepting tobacco

"Sale" Any transfer for a consideration exchange barter gift offer for sale and distribution in any manner or by any means whatsoever

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 3 (a) On and after the effective date of this act it shall be unlawful for any person to continue to engage in or thereafter to begin to engage in the sale of cigarettes at wholesale within this Commonwealth or for any person excepting commissaries ship's stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy to continue to engage in or thereafter to begin to engage in the sale of cigarettes at retail within this Commonwealth unless a cigarette permit or permits shall have been issued to him as hereinafter prescribed

(b) Every person desiring to continue to engage in or hereafter to begin to engage in the sale of cigarettes at wholesale or retail within this Commonwealth except those persons exempt under Section 3 (a) hereof shall file an application for a cigarette permit or permits with the department Every application for a cigarette permit shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth whether or not the applicant is the holder of a mercantile license in effect when the application is made and if so the number of such license and the county for which such license was issued and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purpose of identification The application shall be signed and verified by oath or affirmation by the owner of a natural person and in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority

At the time of making such application the applicant shall pay to the department a permit fee of one dollar (\$1) for each permit

Upon approval of the application and the payment of the permit fee or fees herein required the department shall grant and issue to each applicant a cigarette permit for each place of business within the Commonwealth set forth in his application Cigarette permits shall not be assignable and shall be valid only for the persons in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of December next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked or cause by the department

(c) Permits issued under the provisions of this act may be renewed annually before the first day of January upon application made to the department and the payment of a renewal fee of one dollar (\$1)

Whenever any permit issued under the provisions of this act is defaced destroyed or lost the department may

issue a duplicate permit to the holder of the defaced destroyed or lost permit upon the payment of a fee of fifty cents (\$.50)

(d) The department may suspend or after hearing revoke a cigarette permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act or any rules or regulations of the department prescribed adopted and promulgated under this act Upon suspending or revoking any cigarette permit the department shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested Whenever the department suspends a cigarette permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Section 4 A State excise tax is hereby imposed and assessed upon sales of cigarettes by dealers at the rate of one cent per ten cigarettes or fraction thereof except such sales of cigarettes as are not within the taxing power of this Commonwealth under the commerce clause of the Constitution of the United States and except such sales as are made to authorized purchasers by commissaries ship's stores and voluntary unincorporated organizations of the Army or the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy Provided That only one sale of the same package of cigarettes shall be used in computing the amount of tax due hereunder

Except as hereinafter provided dealers shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act and shall pay the tax into the State Treasury through the department by purchasing from the department adhesive stamps of such design and denominations as may be prescribed by the department

Manufacturers of cigarettes located either within or outside of this Commonwealth and wholesale dealers in cigarettes located outside of this Commonwealth may purchase stamps from the department and affix such stamps in the manner hereinafter prescribed to packages of cigarettes to be sold within this Commonwealth in which case the dealer within this Commonwealth receiving such stamped packages of cigarettes will not be required to purchase and affix stamps on such packages of cigarettes

Section 5 Each dealer shall affix within the time hereinafter prescribed to each package of cigarettes stamps furnished by and purchased from the department evidencing the payment of the tax imposed by this act and shall cancel such stamps before such cigarettes are offered for sale or before they are otherwise disposed of unless stamps have been affixed to such packages of cigarettes before such dealer received them Each wholesale dealer in this Commonwealth shall affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department prior to the delivery of such packages to any retail dealer in this Commonwealth

Each retail dealer in this Commonwealth except those persons exempt under Section 3 (a) hereof shall immediately upon the receipt of any cigarettes at his place of business so affix such stamps to each package of cigarettes unless such stamps shall have been previously affixed thereto and shall cancel the same in the manner prescribed by the department or shall immediately mark in ink on each unopened box carton or other container of such cigarettes the word "received" and the month day and year of such receipt and shall affix his signature thereto The retail dealer shall in any event open such box carton or other container and immediately affix such stamps to each package therein and cancel the same in the manner prescribed by the department within twenty-four hours after such receipt and prior to the sale of such cigarettes

Whenever any cigarettes are found in the place of business of such retail dealer without the stamps affixed and

cancelled or not marked as having been received within the preceding twenty-four hours as required by this section the prima facie presumption shall arise that such cigarettes are kept therein in violation of the provisions of this act

Stamps shall be affixed to each package of cigarettes of an aggregate denomination not less than the amount of the tax upon the contents therein and shall be affixed in such manner that they will be visible to the purchaser. Upon affixing stamps to a package of cigarettes the person affixing them shall cancel them by such method or in such manner as may be prescribed by the Department.

Section 6 The department shall prescribe prepare and furnish adhesive stamps of such denominations and quantities as may be necessary for the payment of the tax imposed and assessed by this act. The department shall make provisions for the sale of such stamps in such places and at such times as it may deem necessary.

The department shall appoint wholesale dealers in cigarettes within this Commonwealth and may appoint any other persons within or without the Commonwealth as agents to affix the stamps to be used in paying the tax herein imposed upon sales of cigarettes but a wholesale dealer shall at all times have the right to appoint the person who is to affix the stamps to any cigarettes under his control and whenever the department shall sell consign or deliver to any such agent any such stamps such agent shall be entitled to receive as compensation for his services and expenses as such agent in affixing such stamps and to retain out of the moneys to be paid by him for such stamps a commission of seven and one-half per centum on the par value thereof if and when such agent has purchased the stamps affixed by him directly from the department. The department is hereby authorized and required to allow such commission or compensation in the settlement of the accounts of such agent upon payment by him into the State Treasury through the department of any moneys which may be or become due to the Commonwealth by reason of the sale delivery or consignment to such agent of such stamps.

Section 7 Every person engaged in the sale of cigarettes at wholesale within this Commonwealth and every person engaged in the sale of cigarettes at retail within this Commonwealth except commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy shall maintain and keep for a period of two years such record or records of cigarettes received sold and delivered within this Commonwealth by him together with invoices bills of lading and other pertinent papers as may be required by the department.

The department or any agent appointed in writing by it is hereby authorized to examine the books papers invoices and other records the stock of cigarettes in and upon any premises where the same are placed stored and sold and equipment of and such wholesale or retail dealer pertaining to the sale and delivery of cigarettes taxable under this act to verify the accuracy of the payment of the tax imposed and assessed by this act. Every such person is hereby directed and required to give to the Secretary of Revenue or his duly authorized representative the means facilities and opportunity for such examinations as are hereby provided and required.

Section 8 The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to

(a) The method and the means to be used in the cancellation of stamps

(b) The denominations and sale of stamps

(c) Any other matter or thing pertaining to the administration and enforcement of the provisions of this act

Section 9 The tax imposed by this act shall be in lieu of the mercantile license tax heretofore imposed upon the business of selling cigarettes

Section 10 Whenever any cigarettes upon which stamps have been placed by a dealer have been sold and shipped by him into another state for sale or use therein or have

been sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers or have become unfit for use and consumption or unsaleable or have been destroyed such dealers shall be entitled to a refund of the actual amount of tax paid by him with respect to such cigarettes. If the department is satisfied that any dealer is entitled to a refund it shall certify the proposed amount of such refund to the Board of Finance and Revenue for approval and thereafter shall issue to such dealer stamps of sufficient value to cover the refund as approved by the board. The department is hereby authorized to adopt prescribe and promulgate such rules and regulations with regard to the presentation and proof of claim for refunds as it may deem advisable.

The department may promulgate rules and regulations to relieve manufacturers and dealers from affixing the stamps on such cigarettes as are sold and shipped to points outside the Commonwealth for use outside the Commonwealth or on such cigarettes as are sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy for resale to authorized purchasers.

Section 11 Every person other than a common carrier or the employes thereof who shall possess or transport any cigarettes upon the public highways roads or streets of this Commonwealth for the purpose of delivery sale or disposition shall be required to have in his actual possession invoices or delivery tickets for such cigarettes. The absence of such invoices or delivery tickets shall be prima facie evidence that such person is a dealer in cigarettes in this Commonwealth and subject to the provisions of this act.

Section 12 (a) Any person who shall sell cigarettes without being the holder of a cigarette permit or permits as required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25.00) and costs of prosecution and in default of payment thereof to undergo imprisonment for not more than ten (10) days.

(b) Any person who shall sell cigarettes without purchasing and affixing stamps to each package thereof as required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred (\$100.00) or more than one thousand dollars (\$1,000.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) and to suffer imprisonment for a term not less than six (6) months or more than three (3) years.

(c) Any person who shall fail neglect or refuse to comply with or shall violate the rules and regulations prescribed adopted and promulgated by the department under the provisions of this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books papers invoices and other records his stock of cigarettes in and upon any premises where the same are prepared stored and sold and his equipment pertaining to the sale of cigarettes taxable under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) or to suffer imprisonment of not more than six (6) months or both in the discretion of the court.

(d) Any person who falsely or fraudulently makes forges alters or counterfeits any stamp prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or knowingly and willingly utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or uses more than once any stamp provided for and required by

this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to suffer imprisonment for a term of not less than two (2) years or more than five (5) years

Section 13 The provisions of this act are severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 This act shall become effective thirty days after its final enactment and shall continue in effect until and including the thirty-first day of May one thousand nine hundred forty-three

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 847, (House Bill No. 229), as follows:

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax pay-

able by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lieu of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 55) is hereby further amended to read as follows

Section 4 Imposition of Tax Exemptions and Deductions A permanent State tax of three cents a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth excepting liquid fuels delivered to the United States Government on presentation of a duly authorized United States Government exemption certificate or other evidence satisfactory to the department and such liquid fuels used or sold and delivered as are not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any liquid fuels

In addition to such tax and additional emergency State tax of one cent a gallon or fractional part thereof is hereby imposed and assessed upon all liquid fuels used or sold and delivered by distributors within this Commonwealth for the period beginning on the day this act becomes effective and ending on the thirty-first day of May one thousand nine hundred and forty-three

Distributors shall be liable to the Commonwealth for the collection and payment of the tax imposed by this act The tax imposed by this act shall be collected by the distributor at the time the liquid fuels are used or sold and delivered by the distributor and shall be borne by the consumer

The tax shall be payable upon liquid fuels sold and delivered to or used by the Commonwealth and every political subdivision thereof

The department shall allow such handling and storage losses of liquid fuels as are substantiated to its satisfaction

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 858, (House Bill No. 192), as follows:

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows:

Section 4408 Suspension and Discharge Reduction of Employees Appeals by Policemen All employees subject to civil service shall be subject to suspension by the director of the department for misconduct or violation of any law of this Commonwealth any ordinance of the city or regulation of the department pending action by the city council upon the charges made against any of such employees. On hearing before the city council where they may be represented by counsel they may be fined or suspended for a period not exceeding thirty days with or without pay or they may be discharged by city council if found guilty of the charges made against them. The director of each such department may for misconduct or violation as aforesaid suspend any employee of such department for a period of ten days with or without pay without preferring charges and without a hearing of council. Provided however That if it should become necessary to reduce the number of men in said department for purposes of economy seniority rights shall prevail and any and all removals for such cause or causes shall be from the member last appointed and the member or members serving the shortest time shall be removed first but members with longer times of service may be discharged for cause.

Any policeman aggrieved by the action of the council in fining suspending or discharging him shall have the right to appeal by petition within thirty days after receipt of written notice of such action which it shall be the duty of the council to give to the court of common pleas of the county which court shall hear the charges made against the policeman de novo. The issue before the court shall be whether the action of the council shall be affirmed or be modified in any respect or whether the charges should be dismissed. Where any policeman has been suspended by action of council and the charges are dismissed on appeal the policeman shall receive full compensation for the entire period of suspension.

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealv.	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,

Cox,
Crider,
Crowe,
Deitrich,
Dent,
DiSilvestro,

Homsher,
James,
Jaspan,
Kephart,
Lanius,

Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 916, (House Bill No. 232), as follows:

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations co-partnerships and persons

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-three of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 51) is hereby further amended to read as follows

Section 23 That every railroad company pipe line company conduit company steamboat company canal company slack water navigation company transportation company and every other company association joint-stock association or limited partnership now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every copartnership person or persons owning operating or leasing to or from another corporation company association jointstock association limited partnership copartnership person or persons any railroad pipe line conduit steamboat canal slack water navigation or other device for the transportation of freight passengers baggage or oil except taxicabs motor buses and motor omnibuses and every limited partnership association joint-stock association corporation or company engaged in or hereafter engaged in the transportation of freight or oil within this State and every telephone company telegraph company express company electric light company water-power company hydro-electric company palace car company and sleeping car company now or hereafter incorporated or organized by or under any law of this Commonwealth or now or hereafter organized or incorporated by any other State or by the United States or any foreign government and doing business in this Commonwealth and every limited partnership association joint-stock association copartnership person or persons engaged in telephone telegraph express electric light and power waterpower hydro-electric palace car or sleeping car business in this Commonwealth shall pay to the State Treasurer through the Department of Revenue a tax of fourteen mills for the six months' periods ending June thirtieth one thousand nine hundred thirty-five December thirty-first one thousand nine hundred thirty-five and June thirtieth one thousand nine hundred thirty-six and twenty mills for the six months periods ending December thirty-first one

one thousand nine hundred thirty-six June 30th and December thirty-first one thousand nine hundred thirty-seven June thirtieth and December thirty-first one thousand nine hundred thirty-eight June thirtieth and December thirty-first one thousand nine hundred thirty-nine June thirtieth and December thirty-first one thousand nine hundred forty June thirtieth and December thirty-first one thousand nine hundred forty-one and June thirtieth and December thirty-first one thousand nine hundred forty-two and eight mills thereafter upon the dollar of the gross receipts of said corporation company or association limited partnership joint-stock association copartnership person or persons received from passengers baggage and freight transported wholly within this State from telegraph or telephone messages transmitted wholly within the State from express palace car or sleeping car business done wholly within this State or from electric light and power water-power and hydro-electric business and from the transportation of oil done wholly within the State The said tax shall be paid within the time prescribed by law for the payment of taxes settled by the Department of Revenue and for the purpose of ascertaining the amount of the same it shall be the duty of the treasurer or other proper officer of the said company copartnership limited partnership association joint-stock association or corporation or person or persons to transmit to the Department of Revenue on or before the first days of February and August of each year a statement under oath or affirmation of the amount of gross receipts of the said companies copartnerships corporations associations joint-stock associations limited partnerships person or persons derived from all source and of gross receipts from business done wholly within the State the period of six months immediately preceding the first days of January and July of each year The time for filing reports may be extended estimated settlements may be made by the Department of Revenue if reports are not filed and the penalties for failing to file reports and pay the tax shall be as prescribed by the laws defining the powers and duties of the Department of Revenue Provided That in any case where the works of any corporation company copartnership association joint-stock association limited partnership person or person are operated by another corporation company copartnership association joint-stock association limited partnership person or persons the taxes imposed by this section shall be apportioned between the said corporations companies copartnerships associations joint-stock associations limited partnerships person or persons in accordance with the terms of their respective leases or agreements but for the payment of the said taxes the Commonwealth shall first look to the corporation company copartnership association joint-stock association limited partnership person or persons operating the works and upon payment by the said company corporation copartnership association joint-stock association limited partnership person or persons of a tax upon the receipts as herein provided derived from the operation thereof no other corporation company copartnership association joint-stock association limited partnership person or persons shall be held liable under this section for any tax upon the proportion of said receipts received by said corporation company copartnership association joint-stock association limited partnership person or persons for the use of said works

This act shall be construed to apply to municipalities and to impose a tax upon the gross receipts derived from any municipally owned and operated public utility or from any public utility service furnished by any municipality to the extent of such gross receipts as are derived from business done outside the limits of the municipality operating the public utility service

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Reed,	Walker,
Cox,	Honshier,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Detrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanius,	Stevenson,	Ziesenheim,
DiSilvestro,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 917, (House Bill No. 235), as follows:

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six (P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and all the sections of the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as last reenacted and amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 46) are hereby reenacted and further amended to read as follows

An Act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That the following words terms and phrases used in this act are for the purposes hereof defined as follows

"Liquor" Any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic and all drinks or drinkable liquids preparations or mixtures intended for beverage purposes which contain more than one-half of one per centum of alcohol by volume except alcohol and malt or brewed beverage

"Department" The Department of Revenue of this Commonwealth.

"Board" The Pennsylvania Liquor Control Board of this Commonwealth.

"Fiscal Month" The monthly period established from time to time by the Pennsylvania Liquor Control Board for the purpose of conducting its business.

Section 2 Until the first day of June one thousand nine hundred "forty-three" an emergency State tax is hereby imposed and assessed at the rate of ten per centum of the net price of all liquors sold by the board. The tax herein imposed shall be collected by the board from the purchasers of the liquor from the board. The amount of such ten per centum so collected by the board under the provisions of this act shall be paid into the State Treasury through the department in the manner and within the times herein specified and shall be credited to the General Fund.

Section 3 It shall be the duty of the board to transmit to the department on or before the fifteenth day of each calendar month a statement of its receipts from sales of liquor and taxes collected during the preceding fiscal month and such other information as may be necessary to effectuate the provisions of this act at which time it shall also be the duty of the board to pay to the department the tax imposed upon such liquor by the provisions of this act. Provided however That the board may in its discretion add the tax imposed by this act to the wholesale and retail price at which liquors are sold and eliminate any accounting of such tax separate from sale prices and in such case the amount of the tax for any calendar month shall be ascertained by dividing the entire gross receipts derived from sales at Pennsylvania liquor stores during such month by eleven and the quotient thus obtained shall be deemed the amount of the tax for such month payable over under this section.

Section 4 This act shall become effective immediately upon its final enactment.

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr.	Ealy.	Letzler.	Stiefel.
Bartlett.	Edmonds.	Mallery.	Tallman.
Becker.	Farrell.	McCreesh.	Taylor.
Carr.	Frey.	McGinn's.	Thomas.
Cavalcante.	Geltz.	McQuiddy.	Tyler.
Chapman.	Haluska.	Miller.	Wade.
Coleman.	Heyburn.	Reed.	Walker.
Cox.	Homesher.	Ruth.	Watkins.
Cridler.	James.	Scarlett.	Wilson, H. I.
Crowe.	Jordan.	Shapiro.	Wilson, T. B.
Deltrick.	Kephart.	Snowden.	Woodward.
Dent.	Lanus.	Stevenson.	Ziesenheim.
DiSilvestro.			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1008. (House Bill No. 231), as follows:

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine

hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title and all the sections of the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as last reenacted and amended by the act approved the fifth day of May one thousand nine hundred thirty-nine (P. L. 64) are hereby reenacted and further amended to read as follows:

An Act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties.

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Corporate Net Income Tax Act".

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning.

"Corporation" A corporation having capital stock joint-stock association or limited partnership either organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency and doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation. The word "corporation" shall not include building and loan associations banks bank and trust companies national banks savings institutions trust companies title insurance companies beneficial life and limited life insurance companies mutual fire mutual casualty and mutual life insurance companies and foreign stock companies registered in this Commonwealth and therein engaged in doing business as life fire and casualty insurance companies and surety companies.

"Department" The Department of Revenue of this Commonwealth.

"Net income" 1 In case the entire business of the corporation is transacted within this Commonwealth net income for the calendar year or fiscal year as returned to and ascertained by the Federal Government subject however to any correction thereof for fraud evasion or error as finally ascertained by the Federal Government. Provided That additional deductions shall be allowed from net income on account of any Federal taxes paid

during such calendar or fiscal year for the preceding calendar or fiscal year or accrued during such calendar or fiscal year for such year as the case may be and on account of any dividends received from any other corporation And provided further That in the case of stock life fire casualty and indemnity insurance companies doing business on the mutual or participating plan the term "net income" shall not include the dividends paid to policyholders out of net income

2 In case the entire business of any corporation other than a corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as may be determined by allocations and apportionments made as follows

(a) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated in the Commonwealth shall be allocated to this Commonwealth

(b) Gains realized from the sale of capital assets if such assets consist of real estate or tangible personal property situated outside of the Commonwealth shall not be allocated in any part to this Commonwealth

(c) The remainder of such net income shall be divided into three equal parts

(1) Of one-third such portion shall be attributed to business carried on within this Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the value of the corporation's tangible property situated within this Commonwealth and whose denominator is the value of all the corporation's tangible property wherever situated

(2) Of one-third such portion shall be attributable to business carried on within the Commonwealth as shall be found by multiplying said one-third by a fraction whose numerator is the expenditures of the corporation for wages salaries commissions and other compensation to its employees and assignable to this Commonwealth as hereinafter provided and whose denominator is the total expenditures of the corporation for wages salaries commissions and other compensation to all its employees

(3) Of the remaining third such portion shall be attributed to business carried on within the Commonwealth as shall be found by multiplying said third by a fraction whose numerator is the amount of the taxpayer's gross receipts from business assignable to this Commonwealth as hereinafter provided and whose denominator is the amount of the taxpayer's gross receipts from all its business

In cases where only two of the foregoing three rules are applicable the remainder of the net income of the corporation shall be divided into two equal parts only each of which shall be apportioned in accordance with one of the remaining two rules If only one of the three rules is applicable the part of the net income received from business carried on within the Commonwealth shall be determined solely by that rule

The amount assignable to this Commonwealth of expenditures of the corporation for wages salaries commissions or other compensation to its employees shall be such expenditures for the taxable year as represent the wages salaries commissions or other compensation of employees not chiefly situated at connected with or sent out from premises for the transaction of business maintained by the corporation outside the Commonwealth

The amount of the corporation's gross receipts from business assignable to this Commonwealth shall be the amount of its gross receipts for the taxable year from

(1) sales fees and commissions except those negotiated or effected in behalf of the corporation by agents or agencies chiefly situated at connected with or sent out from premises for the transaction of business maintained by the taxpayer outside of the Commonwealth (2) rentals or royalties from property situated or from the use of patents within this Commonwealth and (3) dividends and interest except such dividends and interest attributable to the business conducted on premises maintained by the

taxpayer outside the Commonwealth If a corporation maintains an office warehouse or other place of business in a state other than this Commonwealth for the purpose of reducing its tax under this subsection the department shall in determining the amount of its gross receipts from business assignable to this Commonwealth include therein the gross receipts attributed by the corporation to the business conducted at such place of business in another state

A rule shall not be deemed to be inapplicable merely because all the tangible property or the expenditures of a corporation for wages salaries commissions or other compensation or the gross receipts of the corporation are found to be situated incurred or received without the Commonwealth

3 In case the entire business of any corporation engaged in doing business as an insurance or surety company is not transacted within this Commonwealth the tax imposed by this act shall be based upon such portion of the net income of such corporation for the fiscal or calendar year as defined in clause one hereof as shall be attributed to business transacted within this Commonwealth by multiplying such net income by a fraction of which the numerator is the gross premiums received from business transacted within the Commonwealth as hereinafter defined and of which the denominator is the amount of the gross premiums received from all its business "Gross Premiums" shall mean the amount of dues fees and premiums stated in the policy contracts and shall include gross premiums of every character and description received during the taxable year from all underwriting activities whether said premiums were received in money or in the form of notes credits or any other substitute for money less the following deductions

(a) All premiums returned on policies cancelled or not taken

(b) In the case of stock companies with participating features an additional deduction for that portion of the premiums returned to the policyholders

(c) In the case of life insurance companies an additional deduction for dividends declared and actually used by policyholders in payment of renewal premiums

"Gross premiums received from business transacted in the Commonwealth" shall mean gross premiums received from policies and annuities written on property or risks located or resident in this Commonwealth whether such premiums were collected in this Commonwealth or elsewhere

"Persons" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Imposition of Tax Every corporation shall be subject to and shall pay for the privilege of doing business in this Commonwealth or having capital or property employed or used in this Commonwealth by or in the name of itself or any person partnership association limited partnership joint-stock association or corporation a State excise tax at the rate of six per centum per annum upon each dollar of net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-five except where a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section 4 of this act in which case such tax at the rate of six per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred and thirty-five and ending in the calendar year one thousand nine hundred thirty-six a similar tax at the rate of ten per centum per annum upon each dollar of the net income of such corporation received by and accruing to such corporation during the calendar year one thousand nine hundred thirty-six except where a corporation reports to the Federal Government on the basis

of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of ten per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal year commencing in the calendar year one thousand nine hundred thirty-six and ending in the calendar year one thousand nine hundred thirty-seven and a similar tax at the rate of seven per centum per annum upon each dollar of the net income of such corporation during the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two except when a corporation reports to the Federal Government on the basis of a fiscal year and has certified such fact to the department as required by section four of this act in which case such tax at the rate of seven per centum shall be levied collected and paid upon all net income received by and accruing to such corporation during the fiscal years commencing in the calendar years one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two

The tax hereby imposed shall be in addition to all taxes now imposed on any corporation under the provisions of existing laws

Section 4 Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every corporation liable to pay tax under this act on or before the fifteenth day of April one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of its president vice-president or other principal officer and of its treasurer or assistant treasurer of net income taxable under the provisions of this act Such report shall set forth

(a) A true copy of its return to the Federal Government of the annual net income arising or accruing in the calendar or fiscal year next preceding or such part or portions of said return as the department may designate

(b) If no return was filed with the Federal Government the report made to the department shall show such information as would have been contained in a return to the Federal Government had one been made and

(c) Such other information as the department may require

The failure of any corporation liable to pay tax under this act to procure or receive any report form shall not excuse it from making a report

Every corporation upon the date its report is required herein to be made shall pay to the department not less than one-half of the tax due to the Commonwealth by it for such preceding year and the remaining one-half of such tax shall be paid within the thirty days next succeeding and except as otherwise provided by law no extension of time for the filing of any report granted by the department shall extend the date any tax imposed by this act shall be due and payable The amount of all taxes imposed under the provisions of this act not paid on or before the times as above provided shall bear interest at the rate of six (6) per centum per annum from the date they are due and payable until sixty (60) days after settlement and thereafter at the rate of twelve (12) per centum per annum until paid except that any taxes found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date such taxes are due and payable until paid Provided however That any corporation may pay the full amount of such tax or any part thereof together with interest due to the date of payment without prejudice to its right to present and prosecute a

petition for resettlement a petition for review or an appeal to court If it be thereafter determined that such taxes were overpaid the department shall enter a credit to the account of such corporation which may be used by it in the manner prescribed by law

If the officers of any corporation shall neglect or refuse to make any report as herein required or shall knowingly make any false report an additional ten per centum of the amount of the tax shall be added by the department to the tax determined to be due

If any corporation closes its fiscal year not upon the thirty-first day of December but upon some other date and reports to the Federal Government as of such other date or would so report were it to make a return to the Federal Government such corporation shall certify such fact to the Department of Revenue and shall make the report herein required within thirty (30) days after the return to the Federal Government is due or would be due were it to be required of such corporation subject in all other respects to the provisions of this act

If the corporation shall claim in its report that the return made to the Federal Government was inaccurate the amount claimed by it to be the net income taxable under this act and the basis of such claim of inaccuracy shall be fully specified

Section 5 Consolidated Reports The department may upon application made to it in such form as it shall prescribe permit any corporation owning or controlling directly or indirectly a majority of the voting capital stock of another corporation or of other corporations subject to the provisions of this act to make a consolidated report showing the combined net income Provided That consolidated reports may be made only by corporations making consolidated returns to the Federal Government

Section 6 Extension of Time to File Reports The department may upon application made to it in such form as it shall prescribe on or prior to the last day for filing any report and upon proper cause shown grant to the corporation required to file such report an extension of not more than sixty (60) days within which such report may be filed but the amount of tax due shall in such cases nevertheless be subject to interest from the due dates and at the rates fixed by this act

Section 7 Changes Made by Federal Government (a) If the amount of the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States such corporation within thirty (30) days after the receipt of such final change or correction shall make a corrected report under oath or affirmation to the department showing such finally changed or corrected net income upon which the tax is required to be paid to the United States In case a corporation fails to file a report of such correction which results in an increase in net income within the time prescribed there shall be added to the tax a penalty of five dollars (\$5.00) for every day during which such corporation is in default but the department may abate any such penalty in whole or in part

(b) If as a result of such final change or correction there should be any change made in the amount of the net income of any corporation upon which tax is imposed by this act the department shall have the power and its duty shall be to hear and determine any petition for the resettlement of taxes alleged to have been overpaid and upon the allowance of such petition to resettle such taxes Wherever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlements and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

Section 8 Settlement and Resettlement (a) All taxes due under this act shall be settled by the department

and such settlement shall be subject to audit and approval by the Department of the Auditor General and shall so far as possible be made so that notice thereof may reach the taxpayer before the end of a year after the tax report was required to be made

(b) Promptly after the date of any such settlement the department shall send by mail or otherwise a copy thereof to such corporation. The tax imposed by this act shall be settled resettled and otherwise imposed and adjusted in the same manner within the same periods of time and right of resettlement review appeal and refund as provided by law in the case of capital stock and franchise taxes imposed upon corporations

(c) If within a period of two years after the date of any settlement the department is not satisfied with such settlement or if at any time the net income as returned by any corporation to the Federal Government is finally changed or corrected by the Commissioner of Internal Revenue or by any other agency or court of the United States with the result that tax in addition to the amount paid is due under this act the department is hereby authorized and empowered to make a resettlement of the tax due by such corporation based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

Whenever a resettlement shall have been made hereunder the department shall resettle the account according to law and shall credit or charge as the case may be the amount resulting from such resettlement upon the current accounts of the corporation with which it is made

The resettlement shall be subject to audit and approval by the Department of the Auditor General as in the case of original settlement and in case of the failure of the two departments to agree the resettlement shall be submitted to the Board of Finance and Revenue as in the case of original settlements

(d) If any corporation shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such corporation and subject to audit and approval by the Department of the Auditor General settle the amount due by it for taxes penalties and interest thereon as prescribed herein from which settlement there shall be no right of review or appeal but the department with the approval of the Department of the Auditor General may require a report to be filed and thereupon make a settlement based upon such report and cancel the estimated settlement

Section 9 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations not inconsistent with this act relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act. The department is hereby required to have such rules and regulations promulgated and adopted printed and shall distribute the same to any person upon request

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records and to investigate the character of the business of any corporation in order to verify the accuracy of any report made or if no report was made by such corporation to ascertain and settle the tax imposed by this act. Every such corporation is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized. Any information gained by the department as a result of any returns investigations or verifications required to be made by this act shall be confidential except for official purposes and any person divulging such information shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

(c) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

(d) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section 10 Retention of Records by Corporations Penalties Each corporation shall maintain and keep for a period of three (3) years after any report is filed under this act such record or records of its business within this Commonwealth for the period covered by such report and other pertinent papers as may be required by the department

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 11 Penalties (a) Any person who shall wilfully make a false and fraudulent return of net income made taxable by this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law. Such penalty shall be in addition to any other penalties imposed by this act

(b) Any person who wilfully fails neglects or refuses to make a report or to pay the tax as herein prescribed or who shall refuse to permit the department to examine the books papers and records of any corporation liable to pay tax under this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000.00) and costs of prosecution or to undergo imprisonment not exceeding six (6) months or both in the discretion of the court. Such penalty shall be in addition to any other penalties imposed by this act

Section 12 Constitutional Construction The provisions of this act are serviceable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 13 Effective Date This act shall become effective immediately upon its final enactment and shall remain in force only for the imposition and collection of taxes on net income of corporations for the eight calendar years one thousand nine hundred thirty-five one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one and one thousand nine hundred forty-two or for the eight fiscal years ending in the calendar years one thousand nine hundred thirty-six one thousand nine hundred thirty-seven one thousand nine hundred thirty-eight one thousand nine hundred thirty-nine one thousand nine hundred forty one thousand nine hundred forty-one one thousand nine hundred forty-two and one thousand nine hundred forty-three

Section 2 This reenacting and amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1009, (House Bill No. 233), as follows:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and

ninety-five commonly known as title insurance or trust companies" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 48) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every company incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth one thousand eight hundred and seventy-four and its supplements or any other act of Assembly heretofore or hereafter approved for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and every company entitled to benefits of and every company having any of the powers of companies entitled to the benefits of an act entitled "An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto" approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies and every company organized as a bank and trust company or as a trust company under any act of Assembly heretofore or hereafter approved except any such companies all of the shares of capital stock of which (other than shares necessary to qualify directors) are owned by a company which is liable to pay to the Commonwealth a tax on shares shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing setting forth the full number of shares of the capital stock subscribed for or issued by such company and the actual value thereof as of December thirty-first preceding which shall be ascertained as hereinafter provided and thereupon it shall be the duty of the Department of Revenue for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine December thirty-first one thousand nine hundred forty December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two to assess such shares for taxation at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of five mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares

It shall be the duty of every such company within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That upon the payment of the tax fixed by this act into the State Treasury through the Department of Revenue the shares and so much of the capital stock surplus profits and deposits of such company as shall not be invested in real estate shall be exempt from all other taxation under the laws of this Commonwealth The procedure in case the Department of Revenue be not satisfied with the report made by any title insurance or trust company and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—49

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McGinnis,	Thomas,
Chapman,	Geltz,	McQuiddy,	Tyler,
Coleman,	Haluska,	Miller,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Watkins,
Crowe,	James,	Scarlett,	Wilson, H. I.,
Deltrick,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward,
			Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. SHAPIRO. Mr. President, this bill now has passed the Senate without amendment. It is one of the bills which raises a question as to whether or not—if there is a change in the savings bank and national bank stock tax—whether this bill would not have to bear the same tax rate. Since there is no amendment to this bill, if we now pass it to the House, it will mean that we will not be able to correct this bill as the result of any conference, and I understood it was intended that this bill should be placed on the postponed Calendar to await the result of a conference between the House and the Senate on these tax bills; at least, that was a resolution adopted at a meeting of the Committee on Finance.

Mr. EDMONDS. I do not recall any such resolution in the Finance Committee meeting.

Mr. SHAPIRO. Mr. President, I think the gentleman from Delaware will recall that when a change was made by the committee, in the personal property tax from three mills to four mills, I raised the question that if that occurred and if the tax were reduced to three mills, whether it is not true you would have to reduce the taxes on trust company stock as well to three mills. I recall the Senator from Montgomery agreed with me, and I then made the suggestion if the bills went into a conference committee this bill would have to be corrected and since this bill, if it has passed third reading without amendment, there would be no cause for a conference committee and we would not be able to get it unless we recalled it from the Governor.

Mr. EDMONDS. Mr. President, my strong hope would be that the House would recognize the difficulties. I might say the next bill has an amendment by the Senate, which would relieve the difficulty.

Mr. SHAPIRO. I am afraid they will not do it, Mr. President. The hope of the gentleman from Montgomery is one way and my feeling is different. I am suggesting that this bill ought to be placed on the postponed Calendar.

Mr. EDMONDS. It has already passed, Mr. President.

Mr. SHAPIRO. I think the vote by which it passed should be reconsidered.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Has the Chair announced the vote, Mr. President.

The PRESIDENT. The Chair has announced the vote. The only way the bill can be placed on the postponed Calendar is to reconsider the vote by which it has passed third reading.

The Senator from Philadelphia, Mr. Shapiro, understands the vote has been announced?

Mr. SHAPIRO. I understand, Mr. President, the vote has been announced.

Mr. President, I desire to interrogate the gentleman from Delaware.

The PRESIDENT. Will the gentleman from Delaware permit himself to be interrogated?

Mr. HEYBURN. Yes, Mr. President.

Mr. SHAPIRO. Mr. President, as Chairman of the Finance Committee does the gentleman recall a resolution which the committee adopted, that this bill on third reading, was to be placed on the postponed Calendar.

Mr. HEYBURN. Yes, I do, Mr. President. I could not quite realize at the time how the Finance Committee could control the action of the Senate, but I do remember the gentleman from Philadelphia offering such a resolution to the committee at that time.

Mr. SHAPIRO. And it was passed, is that correct?

Mr. HEYBURN. It was. I think, however, at the time I raised a question as to whether or not we could control the action of the Senate.

Mr. SHAPIRO. Mr. President, I am not asking the committee to control action of the Senate; I am asking that the Senate carry out the desires of the committee, which I am now reporting to this Senate. This is not a question of tactics; it is a question in view of importance of this bill, whether this bill should be changed, in view of the fact the other bills have been amended, and in order to be considered by a conference committee, House Bill 233 must necessarily be changed.

Mr. HEYBURN. That is correct.

Mr. SHAPIRO. Otherwise there would be a question of discrimination in the tax base and tax subjects, and because of that it would be necessary for us to have Senate Bill 233 available for amendment.

Mr. EDMONDS. I think if the Senator from Philadelphia will allow me to so state, he misunderstands the facts as to this trust company shares tax. If this tax were heavier than on the bank shares it would cause no difficulty. If the bank shares were heavier than this tax it would cause a great deal of difficulty. The difficulty the gentleman from Philadelphia has in mind might arise if the tax on the bank shares were heavier than the tax on the trust company shares, but with the situation as here presented I do not see how the difficulty the gentleman from Philadelphia has in mind can arise.

Mr. SHAPIRO. Mr. President, I am not having any difficulty about it. I realize this is a trust company bill; this is a bill which taxes title insurance company and trust company stock, but the Attorney General and several others with whom the matter has been discussed say it is quite possible, if we fail to have that tax on the same

basis as the national bank tax, it will raise a question between banks in Philadelphia and in this state; the banks will say, or small trust companies will say, they are being taxed on one base and another trust company at another rate, different rates on practically the same subject matter, and therefore it was suggested, and I think the gentleman from Montgomery agreed at that time, and Mr. Schockley was there and he agreed, it might be safer to reduce that tax and correct the difference.

Mr. EDMONDS. Mr. President, the whole subject of these taxes on bank shares is exceedingly complicated and involved along certain lines, but I am impressed that the point of view of the state authorities is not the fear the gentleman from Philadelphia has at all; their fear is that if they tax the banks at a lower rate than the trust company, all of the trust companies in Pennsylvania would reorganize as national banks and will leave us with no state banking institutions. All of these difficulties are difficulties which arise when you have a change in one without a corresponding change in the other and that leads to difficulty of the House on legislation on this subject.

MOTION TO RECONSIDER VOTE

Mr. SHAPIRO. Mr. President, in order to keep the record straight I move that the vote by which this bill passed finally be reconsidered.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, no business has intervened between the vote being announced and the motion now made by the gentleman from Philadelphia.

Mr. SHAPIRO. There is no such rule I know of, Mr. President.

Mr. EALY. Mr. President, the vote has been announced, has it?

The PRESIDENT. It has. The proper procedure would be to reconsider the vote by which the bill passed.

Mr. CAVALCANTE. After some business has intervened, Mr. President.

Mr. SHAPIRO. To save argument I will make the motion later on, after we have called up another bill.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1010, (House Bill No. 234), as follows:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" as last amended by the act approved the fourth day of May one thousand nine hundred thirty-nine (P. L. 53) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act every bank or savings institution having capital stock incorporated by or under any law of this Commonwealth or under any law of the United States and located within this Commonwealth shall on or before the fifteenth day of February in each and every year make to the Department of Revenue a report in writing verified as required by law setting forth the full number of shares of the capital stock subscribed for or issued as of the preceding thirty-first day of December by such bank or savings institution and the actual value thereof as of the preceding thirty-first day of December which actual value shall be ascertained as hereinafter provided It shall be the duty of the Department of Revenue to assess such shares for taxation at the same rate as that imposed upon other moneyed capital in the hands of individual citizens of the State that is to say for the calendar years ending December thirty-first one thousand nine hundred thirty-six December thirty-first one thousand nine hundred thirty-seven December thirty-first one thousand nine hundred thirty-eight December thirty-first one thousand nine hundred thirty-nine December thirty-first one thousand nine hundred forty December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two at the rate of eight mills upon each dollar of the actual value thereof and thereafter at the rate of four mills upon each dollar of the actual value thereof the actual value of each share of stock to be ascertained and fixed by adding together the amount of capital stock paid in the surplus and undivided profits and dividing this amount by the number of shares It shall be the duty of every bank or savings institution within a period of sixty days after the date of such settlement by the Department of Revenue to collect the amount of said tax from its shareholders and pay the same to the State Treasurer through the Department of Revenue Provided That in case any bank or savings institution having capital stock incorporated under the law of this State or of the United States shall collect annually from the shareholders thereof said tax of eight mills or four mills as the case may be on the dollar upon the actual value of all the shares of stock of said bank or savings institution according to the provisions of this act that have been subscribed for or issued and pay the same into the State Treasury through the Department of Revenue the shares and so much of the capital and profits of such bank or savings institution as shall not be invested in real estate shall be exempt from local taxation under the laws of this Commonwealth and such bank or savings institution shall not be required to make any report to the local assessor or county commissioners of its personal property owned by it in its own right for purposes of taxation and shall not be required to pay any tax thereon The procedure in case the Department of Revenue be not satisfied with the report made by any bank or savings institution and the penalties for failing to make such report and pay the tax shall be as provided by law

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill is one of a series of bills which the Democratic Administration has determined to reduce because of the position they have taken in connection with the Governor's budget, and while I am one of those who wants to go to the dinner with my colleagues, I still feel the business of the state is of importance, and if necessary I shall have to forego the pleasure of attending the dinner. I feel this is of sufficient im-

portance that we understand just what the position is we take on this bill and for that reason I should like to state it.

From January until now there has been made available to no one, and there is not yet available in any department, the information from which anyone could say with any degree of accuracy how much money the Commonwealth of Pennsylvania will receive from personal property taxes, from net corporate income taxes, for the year 1940, notwithstanding the fact that a majority of the corporations in Pennsylvania have made returns of corporate net income, and that the great majority of personal property taxes are already on file with the Department of Revenue now.

Mr. President, we would have been greatly helped in our deliberations if the department had given heed to the Governor's own message, in which he stated that most of the figures he used were probably guesses because there was no accurate information on the subject. I think it would have been a very easy matter for the department to have segregated or added up the figures on the returns they now have on net corporate income and the same with respect to returns on personal property, but they did not do it, and the members of the House, the Democratic Party, and some of the people who are interested in the subject matter went over the budget which the Governor delivered to us, item for item, considered every item according to present receipts, comparing present income on each item with the estimates of the Governor, received information with regard to national income, and considered all of the factors or elements that might enter into the picture.

As an illustration, the collections on the gasoline tax today, in the last four or five months, if the basis of those calculations are taken, there is every reason to believe and every ground to estimate that the gasoline tax will bring in at least thirty-seven millions of dollars instead of the thirty-one millions of dollars which the Governor recommended? I am now using round figures.

When you have information from authoritative sources of the Federal Government that our income will be ninety billions of dollars instead of seventy-three billions of dollars, as last year, and when you know that our income this year will represent close to seven and a half billions of dollars out of ninety billions of dollars, and we have compared it with our income of the previous year, it gives an eleven per cent increase.

Now, Mr. President, allowing for the fact that this is an industrial state, we had the right to take those figures into consideration and we made increases in the budget, increased the estimates in the budget—

Mr. President, I can be heard without using the microphone but I can not be heard with a background of murmuring which I hear myself.

The PRESIDENT. The gentleman from Philadelphia is entitled to attention. There must be order so that the Senator may be heard.

Mr. SHAPIRO. Mr. President, I am really only addressing myself to my colleagues, and the audience does not bother me except when it makes a noise.

We assumed, Mr. President, for instance, the gross receipts tax represents a major portion of the income of the Commonwealth of Pennsylvania—I mean the business

of the thousands of those people who turn into this state gross receipts tax represents major industry. We know what electric current will be consumed and what the steel mills will be doing in the next two years, and yet we increased the Governor's estimates, which were seventeen millions of dollars, only by a million and a half or a million seven hundred and fifty thousand dollars on that item.

We increased the Governor's estimate by some six millions of dollars on the gasoline tax, and we increased the Governor's estimate on the liquor tax by four million dollars, and we increased the Governor's estimate on net corporate income tax by six million dollars.

In other words, Mr. President, the Governor said since we collected some fifty-two millions of dollars in net corporate income taxes in 1939-41, he estimated a twenty per cent increase and said we would get sixty-one million dollars.

I think we have every right to take the position that we have taken on these increases. As an illustration I would like to give you some information which comes to me from an authoritative source. I was contending in the conferences in dealing with the tax that the income from corporations for 1940 would be so great that the Commonwealth of Pennsylvania would receive at least twenty-five millions of dollars a year increase in that tax. My colleagues in the conference would not agree with me. They felt that they would play safe, and they arrived at estimates in a manner which has been described by Mr. Achterman in a statement he issued on the floor of the House. I have made inquiries in the last three or four months and I have now received these figures.

These figures show that there are some 33,867 corporations making returns in Pennsylvania; the Federal Government now has all of the returns except 1,901 of these corporations. They have taken the 1,901 corporations and have assumed that they will make no greater profits than they generally earned for the year 1939, in spite of the fact that all of the other returns show a considerable increase in their corporate profits, and they have added these 1,901 returns to the aggregate amount of returns already received, and they have found that the corporate income will be \$875,000,000. Last year from the same corporations the net corporate income was \$661,000,000.

These 1,901 corporations, taking them at the same income and adding all those, as I say, gives us \$875,000,000. The taxes will be \$172,000,000 and the net income available to the Commonwealth of Pennsylvania for tax purposes will be therefore \$703,000,000.

Now, Mr. President, in order to play safe I have ascertained these 1,901 corporations might have to pay an added tax on their increased income, and I have made an allowance based on actual figures of thirty million dollars, so I find that there will be available for taxation purposes, corporate returns for the Commonwealth of Pennsylvania of \$672,000,000.

That is not out of line when you compare the returns to the Commonwealth of Pennsylvania in 1939, if you look at those figures, and you will find when you multiply \$675,000,000 by seven per cent, which is our income tax, you will get close to \$47,000,000 in one year.

I am not sure whether corporations making returns in Pennsylvania are permitted to deduct from their gross

income before paying taxes, the capital stock taxes which they pay. If they are and if you take the capital stock tax according to the budget, the domestic corporations pay \$43,000,000 and foreign corporations pay \$13,000,000 or a total of \$56,000,000.

If you deduct that from \$670,000,000, you still have \$620,000,000, and if you multiply that by seven you still have over \$42,000,000 for taxes for one year from corporations.

That means eighty million dollars for two years. The Governor estimated \$61,000,000; the Democratic Administration estimated \$66,000,000.

Mr. President, I am not dealing in the realm of fantastic figures; I am giving you figures verified by a telegram I received this morning, making sure my figures, were right and I have come to the definite conclusion that in view of that fact, the Democratic Administration is absolutely warranted in saying two things: First, there ought to be the assumption by the Commonwealth of Pennsylvania of its obligations for important governmental functions, and that means the taking over of the mental hospitals, and in complying with its responsibilities under the 1938 Act for the schools in the transportation of high school students, teachers salaries—rather high school tuition; and, secondly, there ought to be a reduction in taxes and it ought to be now.

Now, I am frank to say that there is a tinge of feeling in my mind, a tinge of politics, and I admit it, but I am afraid the Administration is trying to make a political issue out of this situation. I say that frankly. If I am wrong about it, I am ready to admit it, but I know that the Administration has available to it sources much more readily than I have, which will show what I am saying to be true or false, or let me put it another way—correct or incorrect. I know that these things could have and should have been done before now.

The only reductions we have made in the whole tax structure will amount to \$6,750,000 in personal property taxes, and \$7,500,000 in the bank shares, and possibly another \$1,700,000 for corporate loans, if that is to be reduced.

I see the gentleman from Montgomery shaking his head, so I will repeat: The tax reduction which we have recommended, in the personal property taxes, is \$6,750,000, which represents one fourth of \$27,000,000, which is the amount of money received from the personal property taxes. In two years it would be one fourth of the total receipts for the two years.

The capital stock tax will represent one eighth of \$6,100,000, which it is estimated would be received from capital stock tax, which is \$750,000, and the tax on interest bearing debts will amount to one-eighth of the total or \$1,750,000.

As the budget is drawn up by the Democratic Administration, there is an excess of close to two million dollars over the amount of appropriations, which will leave sufficient to take care of that—should the Senate and House agree that under the law it will be necessary to reduce from eight to seven mills the corporate loans tax.

I say under those circumstances I am going to vote against any increase or return to the four mills tax, which was reduced in the House to three mills.

Now, I am not trying to make a speech about this thing; I am trying to place on the record for the benefit of my

colleagues the figures which we have available, and the basis for those figures, so that you may know when you vote and be able to guide yourselves accordingly.

I have many of the figures that you may want. In my desk I have some of them, many of them in my mind, but I am quite sure an examination of this budget will indicate to you that we have not been dealing in fantasies; we have not been dealing in theory, we have been dealing in facts. I agree with the gentleman from Montgomery, Mr. Edmonds, that we have been in the realm of estimates, but our estimates are based on what the Commonwealth is doing today, and according to the figures we have before us, they are basically correct.

Mr. EDMONDS. Mr. President, now that the Democratic fiscal proposition has been placed before the Senate, I would like to say a few words with reference in comment thereon.

In the first place, I think that the criticism of the gentleman from Philadelphia about his difficulty in obtaining exact figures from the Department of Revenue is not justified. The Department of Revenue receives in March and April the corporation reports of income, but until those reports are settled—the settlement of those reports and the auditing of the same takes several months, and it will be several months before the state knows definitely what will be received on the corporate returns that were filed this spring, but there is something upon which there is no delay, and from which it was easy to obtain figures from the Department of Revenue.

I have here the figures for the biennium 1939-1941. That biennium is not yet gone, but twenty-three months of it are gone, and those twenty-three months have been compared with twenty-three months of receipts.

The grouping of these returns is somewhat different from the grouping as used in the budget, but I think they will be understandable to all of my colleagues.

Corporation taxes, budget estimate for twenty-three months, \$98,403,529; receipts, \$96,132,229.

Special taxes, budget for twenty-three months, \$13,-814,959; actual collections, \$13,683,644.

Special emergency taxes, budget for twenty-three months, \$153,512,621; receipts, \$154,080,278.

Business licenses, budget estimate for twenty-three months, \$6,504,435; actual collections, \$6,441,933.

Inheritance taxes, budget estimate for twenty-three months, \$37,385,097; receipts, \$31,824,080.

Institutional collections, budget estimate for twenty-three months, \$13,577,373; actual receipts, \$11,903,308.

Liquor store profits, budget estimate for twenty-three months, \$29,000,000; receipts, \$29,000,000.

All other receipts, budget estimate for twenty-three months, \$14,201,158; receipts, \$14,191,394.

Total receipts available for appropriation, twenty-three months of this biennium, ending April 30th, the budget estimate of receipts amounted to \$366,399,172, and the actual receipts for the same twenty-three months amounted to \$357,266,866.

In other words, according to the budget estimate for the twenty-three months ending April 30, 1941, the amount of receipts calculated was \$366,399,172, and the actual receipts were \$357,266,866, the difference, which is under the budget, being \$9,142,306 for the first twenty-three months of this biennium.

Now, Mr. President, it is perfectly clear that there are legitimate reasons for this. Some taxes are up and some

taxes are down. As to the inheritance taxes, I think I should call the attention of the members of the Senate to the fact that with the depletion of the large fortunes from the federal and state inheritance taxes, we can not expect to have those fortunes repeated to us for income purposes, and I think along any line of inheritance taxation we must expect the trend to be downward for a great many years to come.

Now, with regard to the corporate net income tax, upon which the gentleman from Philadelphia relies particularly, I am obliged to say to him again that it is absurd, from the point of view of the fiscal program, to deal with the corporate net income of corporations of Pennsylvania for the next two years without taking into consideration the Federal taxes which will certainly be imposed in the next three months. He and I agree absolutely that the federal taxes are deducted before the tax base for Pennsylvania is reached. If the federal government takes one hundred per cent excess profits tax, then all of the additional gain for the corporations of Pennsylvania disappears, and our corporate income goes down accordingly. It is possible for a corporation to enter into a period in which there will be an increase in net income and yet at the same time a decrease of corporation income taxes for Pennsylvania, and the uncertain factor in there is the uncertain factor as to what the federal government is going to charge in its new tax bill.

Mr. President, we are face to face now with a prophecy from financiers at Washington to the effect that something like a billion dollars more is to be taken out of the corporations of America, and under those circumstances any reliance upon the feeling that the gain of the corporations in the last five or six months will continue for the next two years, as a stable basis of revenue, is absurd.

Now, Mr. President, when we come down to the revenue laws themselves, as they are before us, we find that in the House of Representatives they took off one mill from the personal property tax and that, as the gentleman says, amounts to a saving of something like seven millions of dollars in the biennium. They took off one mill from the bank shares tax and that in the biennium amounts to a saving of about seven hundred thousand dollars. Those two are the savings they represent.

They did not think, however, of the fact that we are already short nine million dollars in this biennium, and that is a deficit which must be made up if we are going to operate on the funds collected.

To my mind the issue in the financial policy is perfectly clear; the Democrats spent the money before they had it and that is why we have these mental hospitals on the state program now, and now they are saving money before they have it and that again to my mind is a vice in fiscal planning.

We on the other hand, Mr. President, might proceed a little more slowly but I do believe that we proceed in a more orderly manner and before we come to the stage where some taxes can be pinched off our states taxes—and nobody would welcome that more strongly than myself—but until we reach that stage we must see some positive signs that the income is there in order that the base of the income will be safely protected and in an orderly way.

We believe it will be necessary, in order that the finances of the biennium may be provided, to restore those taxes in which the reductions were made over in

the House, and we have an additional reason for feeling so, because certainly the first of the reductions leads us to a clearly unconstitutional tax and one which would cause this Commonwealth a great deal of difficulty.

The first man on the floor of this Senate who called my attention to its unconstitutionality was the gentleman from Philadelphia himself, namely, that the corporate loans tax and the personal property tax are a part of the one tax measure; the only difference is under the corporation loans tax, the corporations have the tax collected by their treasurer and remit to the Commonwealth, whereas under the personal property tax, the tax is paid to the treasurer of the counties or else to the Department of Revenue direct.

Those two taxes have always been kept on a parity, four mills and eight mills, and when the House reduced the personal property tax to seven mills but at the same time did not reduce the corporate loan tax, it left us in a situation in which there can be an attack upon the tax from every taxpayer of the Commonwealth.

Mr. President, I have here before me an opinion of the Dauphin County Court, that was handed down only a month or two ago, in the Erie Dry Goods case, and there is a sentence in that opinion which strikes me as very significant in the message it gives to us. In it the court has discussed the relationship of those two taxes and it goes on to say: "Since the tax imposed by Section 3 (personal property tax) and Section 18 (corporate loans tax) is upon the same property, only the mode of collection being different, we think it would be unconstitutional to tax under section 3 at the rate of one mill and under section 18 at the rate of four mills. This would not be uniformity of taxation."

That was an opinion handed down only two months ago. Now, what has happened has been that the House has given us a bill in which they tax under section 3 at seven mills and under section 18 at eight mills. The uniformity therefore disappears and the bill itself becomes open to very serious attack.

I hope it will not be necessary to raise that question, because I am inclined to think that when sensible men on both sides begin to consider the fact that already there has been a shortage of nine millions of dollars in revenue in the first twenty-three months of this biennium, they will see that it is not possible, with revenue conditions going up and down and up and down, it will not be possible for any man to make a positive prophesy as to what the next two years will produce, and consequently we should make our estimates with due caution.

Personally there are some things in which I think perhaps the policy of the Governor might be subject to some criticism, but I think in his financial management of the state he has done his level best to understand the situation, to run the government with a maximum of economy and to produce results which by the end of his term will place this state on a level keel financially.

Those things I think can be done, for my own part I propose to vote in order that it will be possible for him to do it.

Mr. SHAPIRO. Mr. President, I am glad the gentleman from Montgomery can make such an able defense, but I am sorry the Governor spoils the defense.

In the first place on February 3, 1941, the Governor said "There will be an increase of five million dollars in the estimates of revenue for the current biennium."

That was at a time when he was trying to keep balanced the budget—just make his income equal to the utmost expenses he could put in and not have to put any more in.

You will remember also the Governor's so-called marvelous method of doing business, requiring the calling of a special session of this Legislature, when he shut his eyes to the facts and appropriated \$120,000,000 in the face of estimates he received from his own Secretary of Public Assistance, showing he would need at least \$180,000,000, and then you will recall I said on this floor that the relief rolls would require at least two hundred millions of dollars, and the special session proved that was so, and yet the Governor went on and made his budget to meet his estimates or to meet what he wanted to spend.

At the beginning of the year he allows \$121,000,000 for relief, and says we have a back log of ten millions of dollars and we will have that for additional relief and will only need to transfer fourteen million dollars, or five million dollars less because I will have five million dollars more revenue.

Now, we come along and say to him we have facts and figures to show you that you are wrong. So he told us he has a nine million dollar shortage now, because we want to reduce taxes, the very thing that he promised the people he would do, which got him elected, and he has continually put off since he was elected.

Now, we have had the figures which the Senator from Montgomery talks about because we have kept in daily contact with that situation. I have some later figures, down to as late as May 20th, which I have kept and maintained, and I find the difference between receipts and estimates amounted to nine million dollars, and that the receipts are \$162,800,000 and the estimates were \$167,000,000, and that does not include the amount of money, which will be considerable, that will come from the personal property tax, because as the gentleman from Montgomery pointed out, the returns are made in March and April and the payments are not always made in full.

For the month of May, up to the twenty-second, \$55,000 was received from personal property taxes and there should be very much more than that.

These figures, some of them are as late as the twenty-second of May, we have kept in touch with the situation and we do believe the Governor will receive up to the estimate and more when all of the figures are compiled; we do believe that all of the figures have not been made available even to us, because we know from the collections in some instances or in some departments, we know from the collections, one relating to the other, there should have been more shown as collected.

We are not worrying about the fact that the Governor says we are nine million dollars short; we know from past experience and from what I have just said to you, the Governor makes his estimates to fit his position. There has not been anybody who has as yet pointed out a single instance in which we cannot justify the increases we have suggested.

Now, Mr. President, going back to the next corporate income tax the gentleman from Montgomery said there will be a billion dollars more taxables in the United States; we know Pennsylvania's relationship would be ten per cent, which is a hundred million dollars. If you take that off the \$670,000,000, which is known to be income of the corporations in Pennsylvania, you still have \$570,000,000 on which to base your estimate, which will

give you \$72,000,000 for the two years. We have figured only \$66,000,000. The Governor himself is not so much worried about the fact that net corporate income will decrease, because he himself added ten million dollars arbitrarily to the estimate he made long before he had any information on this subject, long before he had any reliable information on this subject.

We have what I think is reliable information and we have now taken the \$38,000,000 off that he should have, because if you call a special session to raise additional money for relief in one year you can do it in another one if it is necessary. In the meantime these men would have gotten the reduction in taxes he talked so much about and never gave them, saying it is not necessary and will not be necessary to do it. The Governor says he will give them these reductions when they come, if he has to call a special session to do it, and I say give it to them now without the expense of a special session, and I suggest there is no conflict between the two sets of taxes which will make them unconstitutional.

The gentleman from Montgomery is correct when he says we discussed the problem. The gentleman from Montgomery quoted court decisions. There have been decisions by the Supreme Court which disagreed with decisions of lower courts—but the Democratic leadership wanted to play safe and we put ourselves in the position of having made available in these estimates over two million dollars, which will take care of the reduction in the loans tax and we suggested—first I suggested in committee and now I say here on the floor—that the legal minds in the Attorney General's office came to the conclusion that has to be provided for and it can be without affecting the constitutionality of the act.

I made a motion in committee to reduce the tax from eight to seven mills. I suggest the gentleman from Montgomery made his statement on the basis which he said he was going on, namely, he did not think there was enough money. There are twenty-six million dollars more in this budget or estimates than the Governor has estimated. That will allow enough to take care of the sixteen million dollars it will cost to take up the two functions postponed, it will allow enough for the reductions in taxes that have been made in the corporate loans tax—and I suggest that making nice phrases about it will not help the situation.

These are figures and not phrases we are dealing with, and I concede the gentleman from Montgomery from his experience is better able to make beautiful phrases and high-sounding statements, but I am using figures which I merely transmit to you and do not have to put into phrases and flowery language, and that puts me in a position where I can meet the gentleman on a par—on that basis only.

I suggest to the gentleman from Montgomery that he had better look into the Governor's figures and his statements, because we are going to act on this and if we are going to act on it at all, we will act on facts and not on fancies, and when the gentleman looks into these figures, where I find the Governor says in February he has five million dollars more than the estimate, he can not come in now in May and say he is short nine million dollars. This figure of fourteen million dollars, he should explain that and he should explain that along with the fact that in the four years of his administration, in his two budgets he has submitted for the four years, he

has spent \$85,000,000 more than was spent by the Earle administration and at the same time spent less money for relief. Those are figures—not phrases—and they have been submitted and I have not heard them denied. He had better give some explanation about why, at this late date, when the Governor had an opportunity, to carry out his promises, he brings out something from thin air and tells us he is short nine million dollars, when his own figures show—with a few more weeks to collect, he is only short four million dollars from those estimates—and those are only estimates, and if the gentlemen from Montgomery will ask these various departments, they will give him these figures I got from the federal government. I know I can go to Washington and get figures on the corporate income taxes for Pennsylvania, but I do not see why they are not available right here because this Commonwealth has to file the same reports, because their reports are required to be in at the same time with the federal government, or within thirty days. We are now in the month of May and all these reports are in or should be, I think, except those making returns on fiscal years and they only amounted to 1,900 out of 33,800.

Mr. HEYBURN. Mr. President, the gentleman from Philadelphia talks so quickly and fluently about millions I have to admit I am almost stumped. However, I would like to call to the attention of the Senate some figures.

After some revisions, starting out with \$372,000,000, the Governor finally got his estimate for the present biennium up to \$388,000,000, but at the present time it looks like there is going to be nine million dollars less revenue than anticipated, which means the revenue in the current biennium will be \$379,000,000. Now, as far as optimism is concerned, here is some optimism for you.

The Governor estimates the next biennium will return about \$413,000,000, in other words, an advance of \$34,000,000, whereas the gentleman from Philadelphia, Senator Shapiro—the Shapiro-Achterman, Lawrence-Kelly budget, provides an increase of \$48,000,000 for the biennium, which I believe, Mr. President, is a little bit too optimistic.

I notice the Senator from Philadelphia referred several times to the personal property tax. I happened to be talking in the hotel the other night with the former secretary to Governor George H. Earle—he happens to be a good friend of mine—I mean the secretary to the Governor, personally, and we got to talking about estimates of revenue, and he told me for the years 1937-1939 biennium the Senator from Philadelphia, Mr. Shapiro, cooperated with them in their estimates, and the budget estimate in the years 1937-1939 biennium by the Honorable George H. Earle for personal property taxes was \$34,000,000, and the actual return was \$24,000,000. In other words, he over-estimated in that biennium by ten million dollars on one tax and I am just wondering whether or not the Senator from Philadelphia has not been sort of optimistic in a similar fashion with respect to the 1941-1943 budget.

Here are the 1939-1941 figures on personal property taxes: the budget estimate of the Governor, 1939-1941, was \$25,000,000; actual and estimated by the department is now \$25,000,000; for the first twenty-three months, the return was \$22,000,000; in other words we must get three million dollars more in one month.

The estimate in the budget of the Governor for the 1941-1943 biennium is \$27,000,000, so I contend, Mr. Presi-

dent, that there is quite some optimism in the present budget of the James administration.

I am thinking probably it would be a little safe to wait until we get the money before we start talking about reducing taxes, and so forth and so on. It seems to me it is not a question of political advantage or anything of the kind. I think every man in this body would like to repeal the personal property tax in its entirety. However, it seems to me certain money is necessary for the proper operation of the state government, and among the emergency taxes is this four mills personal property tax.

Now, Mr. President, I want to talk a minute about wages during the last several years in the state government and then I will sit down. I do not want to prolong this debate because I know the gentleman from Philadelphia, Senator Shapiro, wants to go to that dinner.

In the fiscal year ending May 31, 1932, wages were \$18,000,000; in 1933 they were \$17,000,000; in 1931 they were \$16,000,000; in 1935 they were \$27,000,000; in 1936 they were \$20,000,000, and in 1937 they were \$24,000,000. In 1938, the last year of the last biennium, they amounted to \$25,000,000. In 1940 they amounted to \$16,000,000. So it seems to me, Mr. President, the actual operating expenses of the State Government have been cut considerably and therefore I think if we would just sit down as State Senators and realize our responsibility to furnish a sufficient amount of money to operate the State Government we can pretty soon agree on this tax program and shut up shop and go home where we belong.

Mr. SHAPIRO. May I make a correction, Mr. President?

The PRESIDENT. The gentleman from Philadelphia may proceed.

Mr. SHAPIRO. Mr. President, I had no connection with the making of the 1937-1939 budget—or the 1935-1937 budget. That was just a little statement thrown in gratis by the gentleman from Delaware, but there are a lot of things that happen out in Delaware County and I do not take that too seriously.

However, Mr. President, I do want to call attention to the fact that the budget estimates of the Governor in 1935-1937 were made up and after the income was increased, the Governor of Pennsylvania, Governor Earle, did not cry or promise to reduce taxes; he reduced taxes by twenty-five million dollars.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,
Becker,
Carr
Chapman,
Crider,
Crowe,
Ealy,
Edmonds,

Farrell,
Geltz,
Heyburn,
Homsher,
James,
Kephart,
Letzler,
Mallery,

Miller,
Scarlett,
Snowden,
Stevenson,
Tallman,
Taylor,
Thomas,
Tyler,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—18

Barr,
Cavalcante,
Coleman,

DiSilvestro,
Frey,
Haluska,

McCreesh,
McGinnis,
McQuiddy,

Reed,
Ruth,
Shapiro,

Cox,
Dent,

Jaspan,
Lanius,

Mundy,

Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1011, (House Bill No. 663), as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas The present session of the General Assembly has provided revenues of the Commonwealth amounting to four hundred thirteen million dollars (\$413,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred forty-one and

Whereas Such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later part of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas In order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequently accruing to the State Treasury during said fiscal period are available for this purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred forty-one from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars (\$175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred forty-three Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one-half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear either the signatures of the Governor the Auditor General and the State Treasurer or the facsimile sig-

natures of the Governor the Auditor General and the State Treasurer in which latter event such notes shall be countersigned by two officers of the Philadelphia National Bank (Loan and Transfer Agent of the Commonwealth) All such notes shall bear a facsimile of the great seal of the Commonwealth

(c) All notes issued under the authority of this act shall have the qualities and incidents of negotiable instruments under the Negotiable Instruments Law of the Commonwealth

(d) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred forty-one are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred forty-one

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred forty-one and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specifically appropriated The Department of Revenue shall allocate such revenues to said payments

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Farrell,	Miller,	Wade,
Becker,	Geltz,	Snowden,	Walker,
Carr,	Heyburn,	Stevenson,	Watkins,
Chapman,	Homsher,	Tallman,	Wilson, H. I.,
Crider,	James,	Taylor,	Wilson, T. B.,
Crowe,	Kephart,	Thomas,	Woodward,
Ealy,	Letzler,	Tyler,	Ziesenheim,
Edmonds,	Mallery,		

NAYS—18

Barr,	DiSilvestro,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,
Dent,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1016, as follows:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America which are signatories thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor of this Commonwealth is hereby authorized and directed to execute on behalf of the Commonwealth the interstate compact to conserve oil and gas which was executed in the City of Dallas in the State of Texas on the sixteenth day of February nineteen hundred thirty-five and is now deposited with the Department of State of the United States of America and which has been twice extended for a two year period and to execute an agreement with other States now parties and/or which hereafter may become parties to extend the operation of such compact for a period of two years from September first one thousand nine hundred and forty-one subject to approval of Congress

Section 2 The form and contents of such compact are as follows and the effect of its provisions shall be interpreted and administered in conformity with the provisions of this act

Interstate Compact To Conserve Oil and Gas

ARTICLE I

This agreement may become effective within any compacting state at any time as prescribed by that state and shall become effective within those states ratifying it whenever any three of the states of Texas Oklahoma California Kansas and New Mexico have ratified and Congress has given its consent Any oil-producing state may become a party thereto as hereinafter provided

ARTICLE II

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause

ARTICLE III

Each state bound hereby agrees that within a reasonable time it will enact laws of if laws have been enacted then it agrees to continue the same in force to accomplish within reasonable limits the prevention of

(a) The operation of any oil well with an inefficient gas-oil ratio

(b) The drowning with water of any stratum capable of producing oil or gas or both oil and gas in paying quantities

(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well

(d) The creation of unnecessary fire hazards

(e) The drilling equipping locating spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof

(f) The inefficient excessive or improper use of the reservoir energy in producing any well

The enumeration of the foregoing subjects shall not limit the scope of the authority of any state

ARTICLE IV

Each state bound hereby agrees that it will within a reasonable time enact statutes or if such statutes have been enacted that it will continue the same in force providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule order or regulation promulgated thereunder shall be denied access to commerce and providing for stringent penalties for the waste of either oil or gas

ARTICLE V

It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof or create or perpetuate monopoly or to promote regimen-

tation but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitation

ARTICLE VI

Each state joining herein shall appoint one representative to a commission hereby constituted and designated as

The Interstate Oil Compact Commission the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods practices circumstances and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection

The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states and to recommend measures for the maximum ultimate recovery of oil and gas Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business

No action shall be taken by the Commission except

(1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting and

(2) By a concurring vote of a majority in interest of the compacting states at said meeting such interest to be determined as follows

Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period

ARTICLE VII

No state by joining herein shall become financially obligated to any other state nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining herein

ARTICLE VIII

This compact shall expire September 1 1937 but any state joining herein may upon sixty (60) days' notice withdraw herefrom

The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy shall be forwarded to the Governor of each of the signatory states

This compact shall become effective when ratified and approved as provided in Article I Any oil-producing state may become a party hereto by affixing its signature to a counterpart to be similarly deposited certified and ratified

Done in the City of Dallas Texas this sixteenth day of February 1935

E. W. MARLAND

The Governor of the State of Oklahoma

JAMES V. ALLRED

The Governor of the State of Texas

FRANK VESLEY

E. H. WELLS

HUGH BURCH

HIRAM M. DOW

For the State of New Mexico

The following representatives recommend to their respective Governors and Legislatures the ratification of the foregoing agreement

JOHN W. OLVEY

Of Arkansas

WARWICK M. DOWNING

Of Colorado

WILLIAM BELL

Of Illinois

GORDON E. VAN EENANAAM

GERALD COTTER

Of Michigan

RALPH J. PRYOR
E. B. SHAWVER
T. C. JOHNSON
Of Kansas

Section 3 The Governor of this Commonwealth is further authorized and empowered on behalf of the Commonwealth to execute agreements for the further extension of the operation of such compact and to determine if and when it shall be for the best interests of this Commonwealth to withdraw from such compact upon sixty days' notice as provided therein In the event the Governor shall determine that the Commonwealth should withdraw from such compact he shall have full power and authority to give necessary notice and to take any and all steps necessary and proper to effect the withdrawal of this Commonwealth from such compact

Section 4 The Governor of this Commonwealth shall be the official representative of this Commonwealth on the interstate oil compact commission created by the interstate compact to conserve oil and gas and shall exercise and perform for this Commonwealth all the powers and duties enjoined by such compact He may appoint a substitute representative who shall be a resident of this Commonwealth and a producer of oil therein The substitute representative during the period for which he is designated shall exercise all the powers and duties of the official representative as a member of such commission

Section 5 Nothing in this act or in such compact is intended or shall be construed to prevent or prohibit the production of oil by water induction methods commonly called water flooding nor to require or necessitate the enactment of conservation statutes unless and until the General Assembly shall determine by law that such statutes are advisable or necessary to prevent the physical waste of oil or gas

Section 6 When the Governor on behalf of this Commonwealth executes the compact herein set forth or any agreements for extension of its operation he shall affix his signature thereto under a recital that such compact or agreements are executed pursuant to the provisions thereof subject to the limitations and qualifications contained in the sections of this act in aid and furtherance thereof

Section 7 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McGinnis,	Thomas,
Cavalcante,	Geltz,	McQuiddy,	Tyler,
Chapman,	Haluska,	Miller,	Wade,
Coleman,	Heyburn,	Mundy,	Walker,
Cox,	Homsher,	Reed,	Watkins,
Crider,	James,	Ruth,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Dent,	Kephart,	Snowden,	Woodward
DiSilvestro,	Lanlus,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1025, as follows:

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 62) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (P. L. 487) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" as amended by deferring the operation of the act for a further period of time

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 62) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (P. L. 487) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the costs of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" as amended by the act approved the nineteenth day of June one thousand nine hundred thirty-nine (P. L. 435) is hereby further amended to read as follows

Section 2 This act shall become effective the first day of June one thousand nine hundred forty-three

Section 2 This amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas
Carr,	Farrell,	Mallery,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Wilson, H. I.,
Crider,	Heyburn,	Snowden,	Wilson T. B.,
Crowe,	Homsher,	Stevenson,	Ziesenheim,
Dent,	James,	Tallman,	

NAYS—17

Barr,	Jaspan,	McQuiddy,	Stiefel,
Cavalcante,	Lanlus,	Reed,	Walker,
Cox,	McCreesh,	Ruth,	Watkins,
DiSilvestro,	McGinnis,	Shapiro,	Woodward,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1026, as follows:

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care

maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provision for the adjustment of various matters between the Commonwealth and counties cities institution districts boroughs towns townships wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" is hereby amended to read as follows

Section 2 It shall be unlawful hereafter for any county city or institution district to operate or maintain in whole or in part any existing institution for the care of mental patients or thereafter to begin to operate or manage any institution in whole or in part for this purpose Provided however That the county city or institution district having charge of any such existing institution shall continue to operate and manage the same under existing laws until the Department of Welfare of the Commonwealth with the approval of the Governor formally takes over the management and operation of such institution or formally determines such institution is unnecessary or unsuitable in the manner hereinafter prescribed in this act And provided further That the authorities of general hospitals may continue to maintain or hereafter may set apart establish and maintain beds wards or departments for the temporary care of mental patients under licensure by the Department of Welfare as now provided by law

Section 2 Section three of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-nine (P. L. 193) is hereby further amended to read as follows

Section 3 The Department of Welfare shall promptly make an investigation and survey of the institutions hereby transferred to the Commonwealth for the purpose of determining (1) which of the institutions are necessary having regard to the number of persons requiring care and treatment because of mental illness and the geographic location and capacity of other such mental hospitals and (2) which of the institutions having regard to existing facilities may be operated by the Commonwealth in such a manner as to insure the proper maintenance custody safety and welfare of mental patients Upon the

completion of its investigation and survey the Department of Welfare shall submit to the Governor a report setting forth its findings and recommendations with respect to the institutions deemed necessary and suitable for the care maintenance and treatment of mental patients and the institutions deemed unnecessary or unsuitable for this purpose Upon receiving the report of the Department of Welfare the Governor shall from time to time but not later than the thirty-first day of May one thousand nine hundred forty-three having regard to the standards of necessity and suitability hereinbefore set out in this section determine which of the institutions shall be managed and operated by the Commonwealth as State mental hospitals and which institutions if any shall be unnecessary or unsuitable for this purpose Provided however That the Governor shall direct the State Department of Welfare to take over the management and operation of any such institution which is operated and managed by any city of the first class as soon as practicable after the effective date of this act and before the completion of the investigation and survey hereinbefore required in this section Before the management and operation of any institution is taken over by the Department of Welfare the Governor shall issue his proclamation setting forth the date on which the Department of Welfare will take over the management and operation of the institution In the event it shall be determined that a particular institution is unnecessary or unsuitable the Governor shall issue a proclamation setting forth this fact and thereupon the buildings lands and personal property theretofore transferred to the Commonwealth shall revert to and vest in the county city or institution district from which transferred in accordance with this act

The original of any such proclamation shall be filed in the office of the Secretary of the Commonwealth and a copy thereof shall be furnished the county city or institution district authorities having charge of such institution which shall be filed in the office for the recording of deeds of the proper county

Section 3 Section six of said act is hereby amended to read as follows

Section 6 In the event it shall be determined that any institution subject to this act is unnecessary or unsuitable either before or after the Department of Welfare shall formally take over its operation and management as provided in this act the Department of Welfare shall as soon as practicable transfer the patients in such institution to any other State mental hospital including any institution transferred to and being operated by the Commonwealth under this act as a State mental institution

As far as practicable the department shall transfer such patients to such State mental hospital nearest to the institution from which such transfer is made

After the patients in such institution are transferred therefrom and reversion takes place as herein provided such institution shall thereafter be used for such purposes not inconsistent with this act as the proper county city or institution district may determine

Section 4 Section seven of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-nine (P. L. 193) is hereby further amended to read as follows

Section 7 (a) After the effective date of this act and until the management and operation of a particular institution is formally assumed by the Department of Welfare but not later than the thirty-first day of May one thousand nine hundred forty-three the county city or institution district engaged in the operation and management of that institution shall continue to bear the expense of administering and operating the institution except as herein otherwise provided and the Commonwealth shall contribute towards the expense of indigent patients therein to the same extent and in the same manner as pertained under existing laws on the effective date of this act

(b) Until the management and operation of a particular institution is formally assumed by the Department of Welfare necessary equipment and capital improvements to

the property shall be subject to the approval of the Department of Welfare be made by the operating county city or institution district and reimbursement by the Commonwealth for the costs thereof shall be made within one year after the management and operation aforesaid is formally assumed out of funds appropriated for this purpose. Provided That no reimbursement shall be made if any such institution reverts to the county city or institution district in accordance with this act.

(c) Until the management and operation of a particular institution is formally assumed by the Department of Welfare the operating county city or institution district shall be deemed to have an insurable interest in the property of said institution and fire insurance shall be provided by the operating county city or institution district but reimbursement for the costs thereof shall be made by the Commonwealth out of funds appropriated for this purpose within one year after the management and operation aforesaid is formally assumed. In event of loss by fire prior to the formal assumption of management and operation of a particular institution by the Department of Welfare which makes such institution unsuitable for the purposes of this act the proceeds of such insurance shall be paid to the county city or institution district in possession thereof and any policies of insurance shall be so endorsed. Provided however That no reimbursement for the costs thereof shall be made if such institution reverts before any such loss to the county city or institution district in accordance with this act.

(d) In all cases of institutions for the care of mental patients where the title transferred to the Commonwealth consists of a leasehold heretofore held by a county institution district subject to the payment of rentals to one or more wards cities boroughs towns or townships the Department of Welfare shall pay to such county institution district for the use of the owners of the fee on the same terms and conditions as theretofore such rentals as may become due on and after the thirty-first day of May one thousand nine hundred forty-one. In cases where the rental fixed for institutions for the care of mental patients including lands and facilities auxiliary thereto includes also rental for buildings lands and facilities for the care of indigents the rental payable shall be justly apportioned in proportion to the value of assets transferred under lease to the Commonwealth as compared with the assets remaining under lease to the county institution district. The Secretary of Welfare and the authorities of any county institution district are authorized to negotiate and if possible agree as to the proper and equitable apportionment of such rental and in case of disagreement the apportionment shall be fixed by the court having jurisdiction of the rental heretofore payable by the county institution district.

Section 5 Section eight of said act is hereby amended to read as follows:

Section 8 (a) All obligations incurred by reason of the erection acquisition or maintenance of a mental institution by the county city or institution district which are outstanding on the date that the Commonwealth shall take over the operation and management of such institution or shall determine such institution to be unnecessary or unsuitable shall remain the obligations of such county city or institution district and shall be paid in the same manner as though said operation and management still remained in said county city or institution district. For the payment of such obligations the proper authorities of such county city or institution district shall continue to have the power to levy and collect taxes as if control and management of the institution were still vested in such county city or institution district.

(b) All moneys and cash securities remaining in the treasury of any county or city institution district shall remain the property of the same and all amounts due any county city or institution district for the care of any mental patient in any institution transferred to the Commonwealth by this act and any awards of damages made for or on account of the condemnation of any lands of such institution district and the proceeds of the sale

of any part of the same under the provisions of the act approved the twenty-first day of May one thousand nine hundred thirty-seven (P. L. 774) that have accrued and remain unpaid on or before the date that the Commonwealth shall take over the operation and management of such institution or shall determine that such institution is unnecessary or unsuitable may be collected by the county city or institution district in the same manner as if the control and management of the institution were still vested in such county city or institution district. Provided however That where there is a claim against the estate of any such mental patient both on behalf of the Commonwealth and on behalf of any county city or institution district and there is not sufficient in the estate to pay the claim in full the same shall be paid pro rata to the Commonwealth and the county city or institution district in the proportion of the amount of maintenance legally recoverable by each.

Section 6 Section ten of said act as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-nine (P. L. 193) is hereby further amended to read as follows:

Section 10 Section nine of this act shall become effective on the first day of June one thousand nine hundred forty-three and in all other respects this act shall become effective immediately upon its final enactment.

Section 7 This amending act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, I am voting "No" against the majority of the Republican Senators on this bill and I would like to read one paragraph from today's Evening Bulletin on this subject. The heading of this editorial is "Scrap of Paper?" "This illustrates the nature of the battle waging at Harrisburg to defer the effective date of state responsibility for the mentally ill. It is largely a battle to make a favorable showing for the state budget by keeping the counties saddled with costs of which the state had promised to relieve them."

I consider that the Republican majority in the Senate is maintaining a fallacious policy and therefore on these three bills I am voting "no."

Mr. GELTZ. Mr. President, may I suggest to my colleague from Philadelphia, Dr. Woodward, that this need not bother him, because I am informed that Philadelphia does not pay its bills in connection with the maintenance of the indigent any way, as they owe the state \$2,280,000 now for the care of the indigent for the last two years.

Mr. WOODWARD. Mr. President, I call the attention of my floor leader to the fact that it is quite fashionable to encourage deferred payments, and that the city of Philadelphia will pay in instalments, and I also would like to read these figures, taken from this article from which I just quoted concerning the failure of Philadelphia to live up to its promises: "Philadelphia will have to dig up \$400,000 to piece out this year's budget, and \$1,200,000 for next year," and that seems to me a great deal more to worry about than omitting past payments.

Mr. SHAPIRO. Mr. President, I have frequently said things about Philadelphia when I thought they were wrong and now I am going to say something when I think they are right. The Commonwealth of Pennsylvania has taken not only from Philadelphia but from other communities in this Commonwealth money that does not belong to them. In 1938, these communities understood the institutions were going to be taken care of and accord-

ingly made their budgets and had to borrow the money afterwards.

In Philadelphia they took over their institution lock, stock and barrel, and Philadelphia had not provided in their budget for that expense and there is no reason why Philadelphia should have provided for it and there was no reason why the Commonwealth of Pennsylvania, having absolute charge of that institution, should ask the city of Philadelphia to pay three dollars a week for every patient in the institution. It took over the property and we are paying the mortgage interest on it—it was agreed and we were ready and willing, but we did not expect the Governor of the Commonwealth would come in and postpone that provision of the act as far as the city of Philadelphia is concerned, which covers the repayment or the payment of so much each week for each patient in the institution. There are six thousand patients in the institution and there is a charge of three dollars a week for each patient. The Commonwealth of Pennsylvania is trying to collect that and it has no right to collect it.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Wilson, H. I.,
Crider,	Heyburn,	Snowden,	Wilson, T. B.,
Crowe,	Homsher,	Stevenson,	Ziesenheim,
Dent,	James,	Tallman,	

NAYS—17

Barr,	Jaspan,	McQuiddy,	Stiefel,
Cavalcante,	Lanlus,	Reed,	Walker,
Cox,	McCreesh,	Ruth,	Watkins,
DiSilvestro,	McGinnis,	Shapiro,	Woodward,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1027, as follows:

An Act to further amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing

inconsistent laws" by deferring the operation of the act for a further period of time and making further provision for the care of mental patients in certain county city or institution district institutions during such time The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63) entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998) entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals to mental diseases and institutions for mental defectives and epileptics governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" as amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-nine (P. L. 195) is hereby further amended to read as follows

Section 3 The amendment to section two hundred one of the act amended by this act shall become effective immediately upon its final enactment but in all other respects this act shall become effective on the first day of June one thousand nine hundred forty-three Provided That notwithstanding the amendment to said section two hundred one mental patients in the Commonwealth may continue to be cared for in any institution of any county city or institution district transferred to the Commonwealth under the provisions of the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53), during the period before the Commonwealth formally takes over the operation and management of any such institution as a State mental hospital or determines that any such institution is unnecessary or unsuitable for use as a State mental hospital as provided in said act

Section 2 This amending act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Bartlett,	Ealy,	Kephart,	Taylor,
Becker,	Edmonds,	Letzler,	Thomas,
Carr,	Farrell,	Mallery,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Wilson, H. I.,
Crider,	Heyburn,	Snowden,	Wilson, T. B.,
Crowe,	Homsher,	Stevenson,	Ziesenheim,
Dent,	James,	Tallman,	

NAYS—17

Barr,	Jaspan,	McQuiddy,	Stiefel,
Cavalcante,	Lanlus,	Reed,	Walker,
Cox,	McCreesh,	Ruth,	Watkins,
DiSilvestro,	McGinnis,	Shapiro,	Woodward,
Frey,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

REPORT FROM COMMITTEE

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON, from the Committee on Aeronautics, reported as committed, Senate Bill No. 1041, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth.

SENATE BILL No. 701, (HOUSE BILL No. 404),
CALLED UP ON SECOND READING

Mr. WALKER. Mr. President, I now call up Senate Bill No. 701, (House Bill No. 404), on page 20 of the Calendar, on second reading.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 701, (House Bill No. 404), entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto.

The first, second and third sections were read and agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 4, subsection (b), page 3, line 27, by striking out after the word "magistrate" and before the word "or" the words "[notary public]".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section was read and agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 6, page 7, line 12, by striking out after the word "magistrate" and before the word "or" the words "[notary public]"; Amend Section 6, page 7, line 29, by striking out after the word "magistrate" and before the word "or" the words "[notary public]"; amend Section 6, page 8, line 12, by striking out after the word "magistrate" and before the word "or" the words "[notary public]"; Amend Section 6, page 8, line 23, by striking out after the word "magistrates" the word "[notaries]"; Amend Section 6, page 8, line 24, by striking out before the word "and" the word "[public]".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh to the twelfth sections, inclusive, were read and agreed to.

The thirteenth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 13, page 14, line 14, by striking out the bold face bracket before the word "Marriages"; Amend Section 13, page 14, line 15, by striking out the bold face bracket after the small letter "(a)"; Amend Section 13, page 14, line 19, by striking out the bold face bracket before the small letter "(b)"; Amend Section 13, subsection (1), page 14, line 29, by striking out the bold face bracket after the word "or"; Amend Section 13, subsection (1), page 15, line 1, by striking out the bold face bracket before the word "either"; Amend Section 13, page 15, line 3, by inserting a bold face bracket before the numeral "(2)".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourteenth and fifteenth sections were read and agreed to.

The sixteenth section was read.

On the question,

Will the Senate agree to the section?

Mr. WALKER. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 16, page 16, line 15, by striking out after the word "than" the word "[Eighteen]", and inserting in lieu thereof the word: "Eighteen."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventeenth to the twenty-fourth sections inclusive of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length

the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. BARR. Mr. President, will the gentleman from Allegheny, Mr. Walker, tell us the purpose of the amendments?

Mr. WALKER. It will be a pleasure, Mr. President. First I want to say to my step-brother from Allegheny I wish to congratulate him on his birthday, the thirty-fifth year of his existence in this world of turmoil and strife. Congratulations, Senator, may you live thirty-five more.

Now, returning to the marriage bill, in a number of places throughout the bill the words "notary public" or "notaries public" were inserted into the bill in order to give notaries public the same rights as aldermen and magistrates to issue applications for marriage licenses. Being somewhat familiar with the hodge-podge situation in which notaries public are created here in the Senate, we felt it would be best that they be removed from the same class as those who issue marriage licenses or accept applications for the same and therefore notaries public have been taken out of the bill. They were inserted in the bill over in the House; they were not in the bill originally.

The other amendment, or the second amendment referred to, page fourteen of the bill, section thirteen, beginning with line nineteen, in the House there were two paragraphs stricken out of the bill on page fourteen. One paragraph, paragraph subsection B reads as follows:

I am sorry, Mr. President, but I wish the gentlemen who have gathered around my step-brother from Allegheny would conduct their conference some place else, because he is deeply interested in this explanation, I know, or he would not have asked me.

Now, on page fourteen, subsection B, line nineteen, the paragraph reads as follows:

"(b) No marriage may hereafter be entered into in this Commonwealth by virtue of any civil or religious ceremony whatsoever unless a license for such marriage is secured as required by this act and all such marriages hereafter entered into without proper license shall be null and void except as follows:"

Now, Mr. President, the thought in restoring that in the bill was this: that if an innocent young couple full of spring and June roses got a license to marry and they take that license and a wedding ring and go to a justice of the peace or an alderman to be united in the holy bonds of wedlock and then six months later discovered the squire's commission expired a week before and he did not have the authority to marry them, under the present law the experts on divorce say that marriage is not void but voidable.

I can understand what a voidable contract is but a voidable marriage would leave both husband and wife living in a constant state of terror in fear the other spouse would say automatically three times "I divorce you,"—exercise the right of option and get rid of the spouse. Under the desire of the act that is not good law.

Therefore those two paragraphs were stricken out of the act in the House and we removed the brackets so that the paragraphs are once more operative in the bill and the purpose of that was to insure that if there was some mistake made, if for example the license was signed by a minister in the wrong place or any other technicality arose over the issuance of the license, the marriage would

not be void, the people would be legally married, so that there would not be any question raised or perhaps a cloud on their martial title and for that reason the exception was restored in the bill.

Now, Mr. President, also in the House there was stricken from the bill on page fifteen, subparagraph two. This paragraph in essence said even if all of the other restrictions that are placed in an application for a marriage license were ignored that the marriage would still be operative and we see no good purpose in permitting restrictions in the issuance of marriage licenses. For example, wait three days or that there must be an examination within a certain period of time, and that the license must be utilized within a certain period of time and then to turn around and through a paragraph which would eliminate all of the restrictions to be placed around the control of marriages, would be rather silly and as a result, that paragraph having been stricken out in the House, we once more put the brackets around that paragraph and eliminated it from the bill. Those in substance were the amendments made.

The last amendment made, as read by the clerk, was on page fifteen, section sixteen, line twenty-two, where a word appeared in the bill as follows: "e-e-i-g-h-t-e-e-n" and we assumed the sponsors of the bill meant eighteen and we corrected the spelling of that word.

This, Mr. President, is a somewhat sketchy idea of what we did with this marriage code and if there are any other questions the gentleman from Allegheny, Mr. Barr, my step-brother, desires to ask on this glorious birthday of his I will be perfectly willing to try to answer them.

Mr. THOMAS B. WILSON. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Mr. President, I thought my colleague from Allegheny had the floor but I am perfectly willing to answer an interrogation.

Mr. BARR. Mr. President, I yield to my colleague from McKean.

Mr. THOMAS B. WILSON. Mr. President, I would like to know what the situation would be if two people, without the physical examination required by our present law and without getting this beautiful license on which we put so much dependence, would get married by either a magistrate or a minister of the Gospel; what would be the situation as to whether or not that marriage was legal, if they got married without going through this formality of having a physical examination and getting a license?

Mr. WALKER. Mr. President, as I understand the wording of the bill as it is in its present stage that marriage would be null and void. As I understand the code there must be a license issued and there must be a physical examination—the gentleman from McKean has had vast experience, much more experience in the practice of the law than I, but I distinctly recall when I went to law school in relation to the discussion of common law marriages—I will say frankly I have had very little experience but the professors in the law school in their wisdom explained that cohabitation does not make a common law marriage. If they are married by a justice of the peace or an alderman or a minister without a license the marriage is null and void, because, in the first place, under the act they did not have a license and in the second place under the act they did not have a

physical examination and as I recall the act itself, Mr. President, I might suggest to the gentleman from McKean I think there is even a penalty clause for a justice of the peace or an alderman or a minister of the Gospel who is authorized under the act to perform the marriage ceremony, there is a penalty attached to that if the marriage is not coupled with a proper license.

Mr. THOMAS B. WILSON. Then it is my understanding, Mr. President, that if two people got married without the blue license with the ribbon on it, that marriage would be such that the children of that marriage would be illegitimate.

Mr. WALKER. My understanding, Mr. President, is that if they do not have a license with the blue ribbon, and maybe the cupids in the center, that the marriage is null and void. Now, if a marriage is null and void and there are children born of that union and it was not a legal marriage, in my legal opinion, for whatever it is worth to the Senators, I would say those children are illegitimate. There is not any doubt in my mind but that this act definitely eliminates common law marriages in Pennsylvania.

Mr. STIEFEL. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Yes, Mr. President.

Mr. STIEFEL. Mr. President, I am for this bill in its present condition, full strength, and I would like to know whether these amendments here in any way dilute the strength of the bill.

Mr. WALKER. Mr. President, in my opinion I would say these amendments restore, not in toto but to a large degree, the bill as it was originally introduced in the House, which was in its youth and vigor approved by the Pennsylvania Federation of Women who have worked very hard and earnestly to obtain passage of this bill.

Mr. BARR. Mr. President, there has been a lot of joking out I was very sincere in asking the gentleman from Allegheny, Mr. Walker, about these amendments, because I am vitally interested in this bill.

Mr. THOMAS B. WILSON. Mr. President, I just want to answer by saying I am quite serious in this matter and I think my Republican colleagues on this side of the house know that I feel quite strongly on this question and I just want to answer the gentleman from Allegheny, Mr. Barr, by saying he is not the only one who is quite serious about this matter.

Mr. BARR. Mr. President, I did not mean to imply by my remarks that the gentleman from McKean was not serious.

Mr. CAVALCANTE. Mr. President, the gentleman from Philadelphia, Mr. Stiefel, wanted to know whether the amendments diluted the bill or not. The gentleman from Allegheny, Mr. Walker, said they did not, but if the gentlemen from Philadelphia and Allegheny get together they will find the bill in its present form does dilute considerably the legitimacy of many children, that may be born.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 9:00 o'clock, p. m., E. S. T.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and laid on the table:

APPROVED AND SIGNED RESOLUTION RECALLING SENATE BILL No. 66

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 66, Printer's No. 51, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE RESOLUTION RECALLING SENATE BILL No. 270

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 270, Printer's No. 55, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL NO. 66 CALLED UP FROM TABLE RECALLED FROM THE GOVERNOR

Mr. CAVALCANTE. Mr. President, I now call from the table Senate Bill No. 66, which was recalled from the Governor for the purpose of amendment.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF SENATE BILL NO. 66

Mr. CAVALCANTE. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes: and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars

was passed finally, May 20, 1941.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye."

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. REED. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. CAVALCANTE. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye."

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. REED. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to

Amend section 1 (section 439), page 3, line 7 by striking out, with boldface brackets, at the end of the line, the following: "[to perform duties similar to those performed by]"; Amend section 1 (section 439), page 3, by striking out, with boldface brackets, line 8, and inserting in lieu thereof the following: "to assist"; Amend section 1 (section 439), page 3, line 11, by inserting after the word "family" and before the word "and" the following: "under any of the laws of this Commonwealth and of the United States".

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, these are amendments which have been suggested by the Attorney General and His Excellency the Governor to this bill, which I think are acceptable and should be made.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. EDMONDS. Mr. President, as we do not have a copy of the bill on our desks in its present form I would like to ask the gentleman from Fayette to explain to us in a general way just what these amendments cover.

Mr. CAVALCANTE. As the gentleman from Montgomery will recall, we amended this bill to some extent, placing in the bill that the grave registrar, the present grave registrar in a county, was given the additional duty of assisting war veterans in certain matters, and the bill read that the grave registrar was to perform the duties of the service officer of the veteran's post, and the Attorney General, as well as the Governor, felt that the term "duties of the service officer of any veteran's post" was too indefinite—it was not specific enough—and these amendments make the phraseology more specific. That is all the amendment does.

Mr. EDMONDS. There is no other change in the bill, Mr. President?

Mr. CAVALCANTE. There is no other change in the bill at all. This just makes a little more clear what additional duties we are placing on the grave registrar.

Mr. EDMONDS. Thank you very much.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 305, (Senate Bill No. 1050), entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

Which was committed to the Committee on Appropriations.

House Bill No. 573, (Senate Bill No. 1051), entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and forty-one; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and forty-one.

Which was committed to the Committee on Appropriations.

House Bill No. 849, (Senate Bill No. 1052), entitled:

An Act to amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled "Licensed Weighmasters Act" by further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use, and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city, and county inspectors of weights and measures and the Department of Interior Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

Which was committed to the Committee on State Government.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both Houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 897, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force; creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 107

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 107, entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April, one thousand nine hun-

dred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth, providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL NO. 897

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 897, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns, and townships of the first class maintaining a police force; creating a civil service commission in each borough, incorporated town, and township of the first class, defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns, and townships of the first class; imposing penalties; and repealing inconsistent laws.

RESOLUTION RECALLING HOUSE BILL NO. 401 FROM THE GOVERNOR

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 28, 1941.

Resolved, (if the Senate concur), That House Bill No. 401, Printer's No. 564, entitled:

An Act to further amend section five hundred eleven of the act approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 177), entitled "Administrative Code of 1929," appropriating to the Department of Military Affairs the proceeds of the sale of certain products, to be expended for the Indiantown Gap Military Reservation

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 507 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

MOTION THAT THE SENATE NON-CONCUR IN AMENDMENTS MADE BY THE HOUSE TO SENATE BILL NO. 507

Mr. EALY. Mr. President, I move that the Senate do non-concur in amendments made by the House to Senate Bill No. 507.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORT FROM COMMITTEE

Mr. SNOWDEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SNOWDEN, from the Committee on Highways, reported as amended, Senate Bill No. 472, (House Bill No. 690), entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 905) entitled, "An act for the protection of the public safety, regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight; and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways; and eliminating existing provisions relating to the chassis of such vehicles.

SENATE BILL NO. 1007 CALLED UP ON FINAL PASSAGE

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1007, (House Bill No. 230), on final passage, page 10 of the Calendar.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING

Agreeably to order.

The Senate resumed the third reading and consideration of Senate Bill No. 1007, (House Bill No. 230), entitled:

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlets Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by continuing the State personal property tax and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness, assumed or on which interest is paid by corporations, for a further limited period of time exempting casualty insurance cor-

porations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. REED. Mr. President, I desire to say a few words on this bill. The bill embodies a proposition that I have opposed on the floor of this Senate for some years back. I have always felt that this bill has to do with the question of thrift and as those who have studied our form of government well know, thrift is inseparably woven into the fabric of our free form of government. I have maintained for some time that the state personal property tax, as we have it in this Commonwealth, is a tax on the thrifty of this Commonwealth.

This money, as we all know, goes to maintain our relief system in Pennsylvania. If you analyze the report of the Department of Revenue or the returns for relief under a similar act passed by the legislature, you will find that some counties, although small, contribute far more money under the law than many of our larger counties do, and if at the same time you will analyze the report on relief as furnished by the director of Public Assistance in the Commonwealth, you will find that many of those larger counties that pay little taxes under the law as it now stands concerning personal property, receive far more relief money than some of the counties that pay a large personal property tax.

Now, Mr. President, I maintain that is inequitable, it is unfair, it is unjust, and consequently this tax is not a proper tax for raising money for relief and I want to refer to a report submitted to me by the Department of Revenue from which I desire to read in order to substantiate my argument.

For instance, Berks County paid in 1940, \$258,445.64 under the personal property tax law as it then existed and at the same time it received for the year 1940 for relief \$186,830, so you can see the inequity that exists in Berks County.

Bucks County paid \$121,949.71 under the personal property tax law and received from relief, as relief grants for the same year, \$48,336.

Montgomery County is an outstanding county in that respect. It paid in 1940, \$794,123.55 under the personal property tax law and for relief it was paid back only \$181,601.

Mr. President, on the other hand take for instance Cambria County. It paid in only \$69,554.30 under the personal property tax law for 1940, and it took out \$385,772.

Then take the county of Schuylkill. It paid in 1940, \$80,956.18 under the personal property tax law and it took out in the form of relief for that year \$492,473.

I could go on through the list and point out many other instances of the same character but the point I am trying to make is this, that this form of taxation is not fair. In other words, you are taxing under this personal property law the thrifty people in order to raise money to pay those who are unfortunate, not thrifty, or for some other reason the county in which they reside can not pay their fair share of the state tax burden.

There are many ways that we could raise money for

this purpose that would be more equitable, Mr. President, than taxing some farmer down in Montgomery County or over in Chester County who through thrift has saved a little money; we could raise far more taxation by perhaps taxing those who like to frequent amusements. Now, that is not a necessary service. If I want to go to some amusement, that is not necessary, and if I desire to go I ought to be willing to pay a fair tax for going, and, on the other hand, if I care to go to some place where intoxicating liquors were sold, that is not necessary, and we could raise more money from that source, but to tax the thrifty all the time under our law is gradually destroying the very life of our free form of government.

Mr. President, much of this money that we raise under this personal property tax law goes into our large centers of population, our large cities. There many of those people seek their amusements in various ways. Some would go to boxing bouts, some would go to movie houses, some would go to theatres. If those people decide that is the form of amusement they like, rather than some other, they ought to be willing to pay a fair tax for that privilege and in that way that would make the tax a uniform tax.

Under this system, I repeat, and I want it clearly understood, that we are taxing the thrifty and it seems odd under our form of government, both the national form of government and the state system, that we are seeking out at all times those who are thrifty, piling more taxes on them, and we are gradually breaking the backs of those who are carrying the tax load today and it will not be long under this course until our free form of government will begin to break down.

I say we can raise this tax in some other manner. I never could understand why in a rich state like Pennsylvania, where we give thousands and thousands and millions and millions of dollars every year to amusements, we do not get any amusement tax at all, and at the same time you will read in the papers of the exorbitant profits that are made from that industry, and yet we get no amusement tax in Pennsylvania at all. Now, those are not necessary, and if you will go to your large centers and station yourself near the places of amusement, I will venture this statement, that those on relief will be found going into those places in far greater numbers than the thrifty people who are daily earning their livelihood in the pursuance of honest toil. Now, that is not fair and I hope the time will soon come that we will change our system and give the thrifty in Pennsylvania a little encouragement to help them rebuild this great democracy.

I know what I am stating here will not change any votes, but I want to go on record at this time as one advocating the return to the principles of democracy upon which this great republic was builded, and one of the paramount virtues is the virtue of thrift, and I repeat in conclusion, without thrift, when you take thrift out of the fabric of a free form of government, you begin to tear it apart and destroy it.

I certainly hope the time will soon come when we will begin to look around spread the tax over the whole population rather than picking out those who are thrifty and can easily pay, and pile it all on them. There is no tax on many of our people today, and if they seek out certain avenues of pleasure, if they deem that necessary, even though they are getting their money from relief, they ought to be willing to pay a little tax in order to en-

joy that privilege.

Mr. WOODWARD. Mr. President, I would like to reinforce and expand somewhat on the remarks of my esteemed contemporary from Washington County; we often think alike.

You may remember when George Earle was Governor, while he was a wealthy man, he had a very tender spot in his heart for the underprivileged. Some people said he was a parlor pink. It was Governor Earle's administration that stopped our amusement tax and what the gentleman from Washington forgot to state was the amount of money collected under that tax and I inquired and was told it was six million dollars in a biennium.

Now Governor Earle was also very tender-hearted towards the underprivileged who drive motor cars and he reduced the driver's license fee to one dollar—and while I will not say anything about the gallery up there but that was about the same time when we had a mob in the gallery—but I therefore reinforce my colleague's statement about the amusement tax and also I am highly in favor of putting the tax back where it was on drivers' licenses, at two dollars.

This afternoon I attended the movie at the Senate Theatre and I am sure all the relievers had all the seats because I had to stand during the entire performance, there was standing room only, and there was a grand opportunity to put an amusement tax on those people who are on relief and take all the seats.

Mr. HALUSKA. Mr. President, I must agree with my colleague from Washington, Senator Reed, when he states that the personal property tax is more or less uncalled for. In the early part of this session I introduced a number of bills you might term as nuisance bills, but I was sincere about them, and if you will go over the bills you will find there is a possibility of financing this government without placing any further taxes upon industry.

For very many years I have heard my colleagues on the right crying out in the open spaces about the Democrats placing taxes upon industry and driving industry out of the state. It so happens I can now speak freely because I was informed this afternoon I am thrown out of my party, so not having any party, Mr. President, I can condemn both parties now—I might come to your party.

However, Mr. President, it is possible to raise many, many millions of dollars and at the same time reduce some of the so called nuisance taxes.

I proposed a bill placing a tax upon Juke boxes and a great deal of fun was had over that bill, but one of our neighboring states, the State of Maryland, has such a law and every Juke box in the State of Maryland is licensed and pays a fee of twenty-five dollars per year. We have in Pennsylvania thousands upon thousands of Juke boxes, deriving no revenue from the same.

I proposed a tax on bingo. You paid no attention to that. At the same time we have thousands and thousands of bingo games played daily throughout the Commonwealth, illegally. You paid no attention to that.

I proposed a tax on pari-mutuel horse racing. The neighboring states of New York, New Jersey and Maryland have such laws—West Virginia, that's correct—you paid no attention to that and go on down the line and it can be shown it is possible to derive at least one hundred million dollars per year from such taxes.

For instance, the tax on bank night. Here we have throughout the Commonwealth bank nights. I went

through Pittsburgh last week and I saw a sign in a central theatre, "Bank Prize to-night, One Thousand Dollars." Think of it, bank prize of one thousand dollars. I live in a small town of thirty-five hundred population and they put up a bank prize every Thursday of three hundred dollars.

It seems to me the theatre men are willing to pay a tax, they are asking for the legalizing of bank nights and will gladly pay a tax but, oh no, you cannot see it, but you place it on industry, the same place where for year after year you cry we Democrats are driving the industry out of Pennsylvania, you have adopted the same program, you have never taken out an "i" or dotted a "t," and now once again when we propose reducing the personal property tax from four to three mills you again say you have to go on with it, because you do not have sufficient money to finance this government, so I say to you I for one will oppose this bill because I think it is placed on the wrong people, the small man who happens to be fortunate enough to have a few stocks or bonds and you say to him you must pay a personal property tax, but you pay no attention to those who can well afford it.

Mr. WOODWARD. Mr. President, I desire to interrogate the gentleman from Cambria.

The PRESIDENT. Will the gentleman from Cambria permit himself to be interrogated?

Mr. HALUSKA. Yes, Mr. President.

Mr. WOODWARD. Mr. President, I would like to join the gentleman's party; he says he has no party, he belongs to neither the Republican nor Democratic Party. To what party does the Senator belong?

Mr. HALUSKA. I have a party, Mr. President, known as the Sixty at Sixty. I think the gentleman from Philadelphia is in line for it.

Mr. WOODWARD. I would like to confer with the gentleman later, Mr. President, and we will join together.

Mr. EDMONDS. Mr. President, I have listened with a great deal of interest and appreciation to the discussion here this evening. I think it is a fine thing for Pennsylvania that on both sides of the Senate we are fast reaching the conclusion that the personal property tax is undesirable. As a matter of fact, in the report of the Pennsylvania Tax Commission for 1926, we declared it was the worst tax in the state. At that time it was four mills, limited to the counties and now it is eight mills, one-half county and one-half state.

There are two practical conditions I think ought now to be considered. The first is that in making the budget we must work with bills for raising revenue that have come to us from the House, and the House has not sent over any other bills for revenue than those which we have considered today, and therefore we must recognize the fact that since their constitutional duty is paramount in the matter, we cannot raise taxes on a new question at the present time.

In the second place this idea is most important; I think it is worth while to consider that a certain amount of permanency or stability about the tax system is a good thing. We all of us hope there will be a reduction in taxes affected by the next legislature, but if on the other hand we would now act to repeal some of the old taxes and start in new taxes and then find out the cost of relief went down very materially, we could abolish some taxes, there would be an uncertainty attached to our whole revenue plan, which I think on the whole would do more

harm to business than would be done by restoring these emergency taxes for another two years.

That is the reason that personally I am willing to vote for this bill. I would not endorse in Pennsylvania taxation that is bound to hit the thrifty; that is poor policy and is bound in time to exhaust the reserves of the state, but I think there is one thing worse and that is to change our tax system every two years, and so it seems to me it is a lot better to hold on to a permanent plan until the emergency that has been created by relief has passed, and when that emergency has passed, then let us revise our tax system in a sensible, broad-minded way, and see if we can get a tax system that will provide sufficient revenue for the Commonwealth, and yet at the same time not act to dry up the estates of the thrifty, such as has happened with a tax of this kind.

Mr. CAVALCANTE. Mr. President, I do not want to add much to the statement of my colleague from Washington, the proposition that thrift is interwoven with our form of government, but I merely want to add a few observations on that particular subject. Last night the entire nation, not only our nation but all nations in this hemisphere and nations out of this hemisphere, listened for forty-five minutes to a speech made by the Chief Executive of these United States of America, wherein he outlined the many dangers that now beset us, and in his appeal he called upon the people of this nation to do their part in order to meet these dangers. If we analyzed the speech well, analyzed the subject matter treated by him, we would see fundamentally that what he was calling upon all of us to do was to be thrifty, to, as we popularly say, put our shoulders to the wheel.

Now, in order that we may fit into the picture as he unfolded it to us, it will be necessary for all of us to follow the road of thrift, not the road of prodigality—the road of the prodigal and the spendthrift; we will have to be thrifty if we are going to meet the call made on us.

I wish to state here some figures that have already been stated before on this subject of taxing personal property. We have seen from year to year the tremendous amount of money that goes into the amusements of this state and the whole nation; we have seen year after year the tremendous salaries that men in that industry draw out of the incomes of that industry. For instance, here is L. B. Mayer, managing director of Loew's Incorporated. In 1940 he drew down a salary of \$697,408. That did not include his expense account, which was almost equal to that amount. Nicholas M. Schenk, president of the same company, drew down \$318,881, in addition to expenses. W. C. Fields, the actor, drew down \$255,000. Deanna Durbin, screen performer, drew down \$209,833.

Now, it might be amazing to know how much of that wealth came from the State of Pennsylvania. I am sorry I do not have those figures here with me, but it would be amazing, and I cannot do anything but agree with my colleague from Washington County that here is a field of taxation that we have absolutely neglected, where, on the other hand, we have placed iniquitous taxes upon those who have been thrifty.

It seems highly inconsistent to have the Chief Executive of the United States calling upon us to follow a course of life which leads to thrift, to be thrifty and careful, and at the same time we tax that very ideal, the ideal of being thrifty; we tax it here and destroy it in this state.

I again wish to repeat in this connection, because the

bill before us is a bill to raise revenue for relief, I sincerely believe that we can repeal every relief law today and there would be no one starve in this Commonwealth of Pennsylvania, because the people of America, in my study of the history of this nation, have always been charitable; the history of the founders of this nation show proven charity in that nobody ever starved, but we with our relief set-up, with these flat heels who are these parasites who are constantly on our backs for their jobs, we have killed the charitable spirit of the pioneers and the ancestors of the nation; we make it unnecessary for the spirit of charity and brotherly love to exist because everybody turns to the state when in need of bread and butter; or in some difficulty, they turn to the state, and certainly they will continue to turn to the state because we have created a situation that induces that.

If we would only repeal a lot of this relief set-up we would be able to repeal a lot of these taxes and we would still find that nobody would starve, a neighbor would take care of his neighbor; we are still our brother's keeper, and I profoundly believe that a Christian nation like America would not disregard that very Christian admonition that we are our brother's keeper and I cannot conceive the time might come when the people of America,

if we repealed these relief laws, would allow their brother to starve or their neighbors to starve; they would not starve, and it is high time, I think, in view of the serious conditions that beset us, that we take as truthful the speech of the Chief Executive of the United States, that it is time we do something about this subject. I intend to vote for this bill and will vote for it, but as my colleague from Washington has said, I am serving notice I certainly am coming to the end of this path where we are being constantly asked to raise these tremendous funds for the relief of the drone and taxing the thrifty in order to provide that relief.

Mr. WOODWARD. Mr. President, I should like to ask the gentleman from Fayette one question.

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I would like to ask the gentleman from Fayette whether he thinks the Department of Welfare would administer relief any better than the Department of Public Assistance?

Mr. CAVALCANTE. Mr. President, I think we could abolish the Department of Public Assistance; it should never have been created, and the Department of Welfare could very efficiently administer that set-up, such as relief to the blind and the aged and relief to dependent children. I am for that kind of relief, but I am not for giving this relief to an able bodied fellow who can go out now and work and if they cannot find work I still repeat that there is no honest true American that will allow his neighbor to starve if he can afford to share some of his bread with him.

Mr. WOODWARD. I understand, Mr. President, the gentleman from Fayette has respect for the Department of Welfare.

Mr. CAVALCANTE. Yes, Mr. President, I do, but I do not respect the Department of Public Assistance, which is composed mostly of those people we call flat heels.

Mr. HALUSKA. I am sorry, Mr. President, I must take issue with the gentleman from Fayette but, however, when he talks about relievers, as my colleague from Washington, Mr. Reed, pointed out, in Cambria County we paid

in \$69,000,000 and withdrew \$329,000, I can not let the statement go unchallenged.

We are passing these tax bills because we must raise money to take care of the needy.

I agree in one sense, possibly we have a personnel that takes up about one-third of the money appropriated for relief, but we can not lose sight of the fact that we have in this Commonwealth thousands upon thousands of aged persons who must depend upon some source of relief. Today, as we all know, a man who is forty-five or fifty years of age finds it very difficult to obtain employment; a man above fifty is definitely out; and a man from sixty to seventy is living on borrowed time. That man must turn to us for some aid and we must adjust ourselves to the fact that he must be taken care of. We have widows and we have the blind, yes, and we have many hundreds of folks who try to obtain honest employment and can not get work and therefore they must be fed.

You might say, as my colleague has stated, that our neighbors might keep them, but do not forget our neighbors also are on relief.

In my county, as you have noticed, we have many, many thousands of persons who can not get employment in the mines or in the mills because of their age. However, they must be fed and we must pass taxes but we are passing the wrong type of taxes, as I have pointed out awhile ago, and we are placing a hardship on those who are least able to pay.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Farrell,	Miller,	Wade,
Becker,	Geltz,	Snowden,	Walker,
Carr,	Heyburn,	Stevenson,	Watkins,
Chapman,	Homsher,	Tallman,	Wilson, H. I.,
Crider,	James,	Taylor,	Wilson, T. B.,
Crowe,	Kephart,	Thomas,	Woodward,
Faly,	Letzler,	Tyler,	Ziesenheim,
Edmonds,	Mallery,		

NAYS—18

Barr,	DiSilvestro,	McCreesh,	Reed,
Cavalcante,	Frey,	McGinnis,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Cox,	Jaspan,	Mundy,	Stiefel,
Dent,	Lanlus,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

Mr. MALLERY. Mr. President, I desire to explain my vote on this bill. I have, I believe, a number of times voted for a tax on personal property, simply because I thought the tax was imperative and necessary. I have been a staunch advocate of economy in government.

Because I feel that the tax on real estate is and has been for a number of years bearing an unfair share of the tax burden, I have been hopeful that in this session of the legislature we might have been able to do something for the over-burdened taxpayers. I realize that I am not the only person interested in relieving the burden on the owners of real estate; many or perhaps the majority if not all of the members of the Senate, I know, are sincerely concerned, and I do hope that before this

session is ended, if we can not do anything to relieve the burden on the owner of real estate, that we might be able to do something to equalize that burden.

SENATE BILL NO. 555 CALLED UP ON
SECOND READING

Mr. BARTLETT. Mr. President, I now call up Senate Bill No. 555, on second reading, page 17 of the Calendar. Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 555, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BARTLETT. Mr. President, I desire to offer amendments:

The Clerk read the amendments as follows: Amend Section 1, page 3, line 16, after the word "authority", by inserting the following words: "to make and enforce rules and regulations;" Amend Section 1, page 3, between lines 17 and 18, after the letter "(1)" and before the word "to", by taking out the following words: "To make and enforce effective rules and regulations;" Amend Section 1, page 3, between lines 25 and 26, after the letter "(3)" and before the word "to", by taking out the following words: "To make and enforce effective rules and regulations;" Amend Section 1, page 3, after line 28, by inserting two new paragraphs numbered "(4)" and "(5)": "(4) All such rules and regulations shall be kept on file with the Department and shall be open to the public;" "(5) Such rules and regulations shall not prevent or interfere with investigations by the proper authorities as to the rights of individuals or groups to receive such assistance or aid or the amount of the same;" Amend Section 1, page 4, between lines 1 and 4, after the letter "(d)" and before the word "shall", by taking out the following words: "Any person who uses or who participates in the use of such information whether lawfully or unlawfully obtained in violation of the rules and regulations of the Department of Public Assistance;" and insert in lieu thereof the following words: "Any person knowingly violating any of the rules and regulations of the department made in accordance with this act."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. McGINNIS. Yes, Mr. President.

Mr. WALKER. Mr. President, in 1936, if I remember correctly, the honorable emblem worn by the Republican Party was the sunflower, and I now would like to ask my colleague from Allegheny, Senator McGinnis, if he also has been excluded from the Democratic Party and has joined our ranks?

Mr. McGINNIS. Mr. President, for the information of my colleague from Allegheny, I have a Pennsylvania daisy on my coat lapel.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 204, entitled:

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 209, entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 290, (House Bill No. 374), entitled:

An Act to add clause (e) to section four of the act, approved the second day of July one thousand nine hundred and thirty-five (P. L. 540) entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validat-

ing certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 396, entitled:

An Act to further amend section thirty-one as renumbered section thirty-two of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled, as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State and election officers; providing penalties; and repealing existing acts," changing the date for the exercise of local option.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 428, entitled:

An Act to amend section nine hundred and one of, and to add section nine hundred and one-tenth to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by limiting the offense of burglary to certain acts committed by night, and making entering buildings in the daytime, with intent to commit a felony therein, or breaking and entering buildings in the daytime, a felony.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 468, (House Bill No. 70), on second reading, entitled:

An Act to amend section seven hundred three of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," by providing for the compensation paid to township commissioners

be recommitted to the Committee on County Government.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, with the consent of the sponsor I ask unanimous consent that Senate Bill No. 486, on second reading, entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 501, (House Bill No. 710), on second reading, entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years and validating the liens of such taxes

be recommitted to the Committee on Municipal Government.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 560, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business; of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain old legacies, with notice by publication but without the issuance of a citation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 610, (House Bill No. 1005), entitled:

An Act to add section six hundred ninety-nine and six-tenth of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 633, (House Bill No. 949), entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization, jurisdiction, and procedure of the orphans' courts; the powers and duties of the judges thereof; and appeals therefrom," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 667, on second reading, entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 669, entitled:

An Act to further amend sections five hundred one and five hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation

of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practice in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by changing the time for submission of the question of local option.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 688, (House Bill No. 885), entitled:

An Act to further amend section five hundred and thirty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating, and changing the law relating thereto" providing for filling vacancies in the office of township commissioner.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 690, (House Bill No. 1088), on second reading, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 724, entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and em-

ployes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing and removing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 729, (House Bill No. 393), entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 730, (House Bill No. 647), entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class; the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 740, on second reading, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 748, (House Bill No. 218), entitled:

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regulating the sale manufacture and transportation of insecticides and fungicides

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 757, (House Bill No. 717), entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 771, (House Bill No. 1240), entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen. (P. L. 900) and for searches of the files and records when no certified copy is made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. FARRELL. Mr. President, I move that further consideration of Senate Bill No. 772, (House Bill No. 1253), on second reading, entitled:

An Act providing a method of annexation of parts of townships now owned by and contiguous to cities of the first class and regulating the proceedings pertaining thereto

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. JASPAN. Mr. President, I desire to interrogate my colleague from Philadelphia, Mr. Farrell.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. FARRELL. Yes, Mr. President.

Mr. JASPAN. Mr. President, I desire to know why the gentleman from Philadelphia requests Senate Bill 772 be placed on the postponed Calendar without second reading?

Mr. FARRELL. Mr. President, this bill is a part of the mayor's program in Philadelphia and it proposes to annex 940 acres for an airport from Delaware County. We have not quite got the folks satisfied in Delaware County so that we can go through with the bill, and I am asking that it be placed on the postponed Calendar until the authorities of Delaware County will join with us on this bill.

If it is placed on the postponed Calendar, it probably will have to be amended, and at that time we will bring it out for final passage.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 773, (House Bill No. 1255), entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 785, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. HOMSHER. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows: Amend section 1 (section 9), page 5, lines 10 and 11 by inserting light-face brackets before the word "or" in line 10, and after the word "act" in line 11. Amend section 1 (section 9), page 5, lines 21 to 27, both inclusive, by striking out all of said lines; Amend section 1 (section 9) page 6, line 7, by striking out the words "quarter of the"; Amend section 1 (section 9) page 6, by inserting between lines 14 and 15, the following: "School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers, coordinators, supervisors and directors in the conduct of approved vocational schools, departments and classes annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 791, (House Bill No. 104), entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain, the China Relief Expedition or in the Phillippine or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General, making an appropriation and repealing inconsistent legislation and providing penalties," extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 802, entitled:

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 806, entitled:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation

thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 822, entitled:

An Act to further amend section one thousand one hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 864, (House Bill No. 1270), entitled:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June, one thousand nine hundred and thirty-one (P. L. 510), entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals; conferring certain powers and duties upon the Department of Welfare; and providing penalties," limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 88, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. WOODWARD. Mr. President, I intended to make some remarks on this bill on second reading, and possibly move to have it recommitted, but in the absence of my colleague from Philadelphia, Senator Shapiro, I would prefer to make the remarks when he is present. I might say it is his court.

Mr. JASPAN. Mr. President, I desire to interrogate

my colleague from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Always, Mr. President.

Mr. JASPAN. Mr. President, I would like the gentleman from Philadelphia to explain just what he meant when he made the statement that it was Senator Shapiro's court. I still believe I am an attorney practicing law in Philadelphia and I might say the same for my colleague from Philadelphia, Senator Stiefel.

Mr. WOODWARD. Mr. President, briefly, Senator Shapiro wanted to delete the Municipal Court in Philadelphia, but he did not succeed in transferring certain functions of the Municipal Court to the Court of Common Pleas, so he was optimistic about it and gave us two new courts in Philadelphia County, numbers six and seven, to take care of extra business that would result from the deletion of the Municipal Court.

Well, Mr. President, he fell down on the Municipal Court but he did not fall down on getting two new courts, you see, and, of course, each court has three judges and of course in this court there are three democratic judges and each judge gets fourteen thousand dollars a year salary and three times fourteen is forty-two thousand dollars a year. This is part of the speech I was going to make when Senator Shapiro was here.

Does that answer the question?

Mr. JASPAN. Mr. President, I desire to further interrogate the gentleman.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. WOODWARD. I will, Mr. President.

Mr. JASPAN. Mr. President, is the gentleman from Philadelphia familiar with the work and activities of Common Pleas Court No. 7 in the City of Philadelphia?

Mr. WOODWARD. Well, Mr. President, I apologize to Attorney Jaspán. I am only a layman and I only know the gossip, that this court found it very difficult to find any place to go, and having found a place—they turned the sheriff out, I believe and went into the sheriff's offices. The three judges are very fine judges, I know, but I think the gentleman will agree they do have very little to do, and I am trying to reduce the number of Common Pleas judges from one hundred twenty-nine to something like a hundred, and that is a beginning. I am picking out the Democrats first.

Mr. JASPAN. Am I totak it, Mr. President, the gentleman from Philadelphia introduced this bill because of gossip only.

Mr. WOODWARD. Oh no, Mr. President, I consulted with Mr. McCracken, one of the leading members of the bar. Of course, he is a criminal lawyer.

Mr. JASPAN. Is the gentleman from Philadelphia familiar with the work of the Common Pleas Court No. 7?

Mr. WOODWARD. I understand the three judges are A-Number-One judges. This is impersonal, of course, and of course the bill does not do much until the three judges die. I will admit that.

Mr. JASPAN. May I further interrogate the gentleman, Mr. President.

Mr. WOODWARD. Yes, we will go right on.

Mr. JASPAN. I take it from what the gentleman says, Mr. President, he knows little or nothing about Common Pleas Court number seven, excepting what he was told by strangers or friends, is that correct, to be frank.

Mr. WOODWARD. Well, let it go at that; I do not object to that, no; common gossip and common talk—the fifth wheel of an automobile.

Mr. JASPAN. I desire to further interrogate the gentleman.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. JASPAN. Does the doctor realize court number seven tries civil and equity cases as well as criminal cases?

Mr. WOODWARD. Oh yes, Mr. President. I often drop in on the courts.

Mr. JASPAN. Does the gentleman know where Court number seven is located? Where is Court number seven located?

Mr. WOODWARD. We have a large building called the City Hall and the irony of it is that the county has turned out all the city officials excepting the Mayor and it is County Hall, and when we come to the Charter Bill I want to keep peace in the Hall but there are no city officials in the hall, I believe any more, excepting the Mayor.

Mr. JASPAN. Does the Doctor realize Common Pleas Court number seven is located on the sixth floor of the City Hall in Philadelphia?

Mr. WOODWARD. Yes, Mr. President, where the sheriff used to be. I do not want to wear the gentleman out.

Mr. STIEFEL. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Woodward.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. STIEFEL. As a matter of fact, Mr. President, the gentleman has always been advocating only one Common Pleas Court, is that correct?

Mr. WOODWARD. One what, Mr. President.

Mr. STIEFEL. One Common Pleas Court for the entire Commonwealth.

Mr. WOODWARD. Statewide, that is correct.

Mr. STIEFEL. Isn't this bill contradictory to the position the gentleman has always taken in this matter?

Mr. WOODWARD. Well, I feel I am getting into a contradictory position, I will admit that, but if the gentleman will allow me to say so, there are one hundred twenty-nine Common Pleas Judges in Pennsylvania and I have on my desk a letter from the prothonotary of the Supreme Court relative to traveling judges and that shows during 1940, there were 498 applications to the Supreme Court to be allowed to go to the larger cities, where there are good shows and good hotels and such.

Mr. STIEFEL. To be consistent, Mr. President, would the gentleman introduce a ripper for six courts instead of one?

Mr. WOODWARD. This bill is not a ripper, Mr. President.

Mr. STIEFEL. Mr. President, the gentleman from Philadelphia is always collecting interesting sayings. I heard him last week quoting "sic transit gloria Mundi."

Mr. WOODWARD. That is right, Mr. President.

Mr. STIEFEL. I wonder if the gentleman from Philadelphia recalls what Mr. Kelly said when the Supreme Court declared that the ripping out of the Municipal Court was not constitutional?

Mr. WOODWARD. This is not a ripper, Senator Stiefel. This is not a ripper, please understand that, but if you

will allow me to say this also, we have fifty-eight judicial districts—perhaps that is more than Senator Jaspan knows—we have fifty-eight judicial districts in Pennsylvania and every ten years there is a reapportionment of the judicial districts and every time they reapportion they make new districts and we will soon have sixty-seven. From my slight experience it seems that every lawyer some day expects to be a judge.

Mr. STIEFEL. Mr. President, what is the gentleman's definition of a ripper?

Mr. WOODWARD. A ripper, Mr. President, is a bill where you throw out the occupant of an office. This does not do that. They continue until the expiration of their terms.

Mr. STIEFEL. In 1937 they used the expression "rip out the Municipal Court."

Mr. WOODWARD. Yes, that is correct.

Mr. STIEFEL. And according to the provisions of the act, even if the court had been ripped out the judges would still remain salary recipients.

Mr. WOODWARD. In this case, yes.

Mr. STIEFEL. I just want to call to the gentleman's attention that on the day when the Supreme Court of Pennsylvania declared the ripping out of the Municipal Court unconstitutional Mr. John B. Pelly, the leader of the party in Philadelphia said "they put the zippers on the ripper" and now I believe and I am sure the Senate of Pennsylvania will put the zippers on this ripper too.

Mr. DENT. Mr. President, I do not know much about Philadelphia or Common Pleas Court Number Seven, but may I suggest to the gentleman from Philadelphia, Dr. Woodward, he is making the wrong approach to the subject. I do not think ripping the court out would be the answer or the solution to the problem, because I firmly believe the answer would be to take away the twenty dollars daily expenses to traveling judges. You know, the reason they have so many traveling judges, I have discovered, is because when there is a political personage in a community to be tried for some crime of some sort they bring in a judge from some other county so the local judges do not have to take the rap in that particular county; most of the traveling judges just cover up in some other judge's territory so that he does not have to face the political personages in his own county, and I think the gentleman will get a lot of support and if he so desires I will cooperate in cosponsoring a bill to cut out this traveling judge business.

Mr. HALUSKA. Mr. President, I wish to make one correction in the statements made. The gentleman from Westmoreland used the term "traveling judges." Back in my county they call them "gypsy judges."

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. MUNDY. I understand, the gentleman from Philadelphia is worried about the fact that there are 129 Common Pleas judges in Pennsylvania; is that correct.

Mr. WOODWARD. Mr. Walker will have two more in Allegheny County.

Mr. MUNDY. May I say to the Senator, if it will help any, I am willing to drop a couple in Luzerne County and will co-sponsor a bill for their removal.

Mr. WOODWARD. I would like to say to the gentle-

man from Luzerne I hope he and I will bury the hatchet because I got one of his bills out of committee and I promised to keep one of the Mundy bills on the Calendar constantly.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 893, (House Bill No. 525), entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 901, (House Bill No. 1259), entitled:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births

have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 906, entitled:

An Act prescribing the powers and duties of the Department of Forests and Waters in respect to the Brandywine Battlefield; and making an appropriation.

And said bill having been read at length the second time On the question,

Will the Senate agree to have the bill transcribed for a third reading?

BILL RECOMMENDED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 906, the bill just read, be recommitted to the Committee on Appropriations for the purpose of amendment.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 913, on second reading, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 915, (House Bill No. 124), entitled:

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment of milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of sub-

poenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. KEPHART. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 24, line 22, after the word "handler" by inserting the following words: "in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended.

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 748, (HOUSE BILL NO. 218)

Mr. KEPHART. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 748, (House No. 218), entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, lime-sulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides

passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. KEPHART. Mr. President, I voted "aye".

Mr. GELTZ. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one and two, inclusive of the bill were severally reconsidered and agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. KEPHART. Mr. President, I desire to offer amendments.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. I will, Mr. President.

Mr. DENT. Mr. President, will the gentleman from Philadelphia tell us why he is asking to have the vote by which this bill passed reconsidered?

Mr. KEPHART. I am asking that, Mr. President, because I have amendments which I intend to offer.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. KEPHART. Yes, Mr. President.

Mr. CAVALCANTE. Mr. President, where was the gentleman when this bill was called up for second reading?

Mr. KEPHART. For the information of the gentleman from Fayette, Mr. President, I did not catch the error in the title until after the bill had passed second reading and the amendment I propose to introduce is to make the title conform with the bill.

The Clerk read the amendments as follows:

Amend Title, page 1, line 11 of the title, after the word "sale" and before the letters "manu-", by inserting the following words: "possession for sale and"; Amend Title, page 1, line 12 of the title, after the letters "facture" and before the word "of", by taking out the following words: "and transportation"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 922, (House Bill No. 900), on second reading, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 994, entitled:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 995, entitled:

An Act to add section three and one-tenth to the act approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the compensation of certain officers and employees.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 996, entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payments of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 998, entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1005, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. DENT. Mr. President, I have not even seen a copy of the song yet. I mean, seriously, there was a bill passed in the House. I think we are moving too fast on this song business. I would like the sponsor to have this bill held over until we can get some action on the House Bill and if necessary hold a musical feast of some kind, an audition; let us hear all these songs and let the music lovers decide which will be the best song for Pennsylvania.

Mr. WALKER. Mr. President, this session is certainly

one that is full of surprises. I am delighted the gentleman from Westmoreland has such a fine musical ear.

Mr. DENT. I am a great musician, Mr. President. I play the drums.

Mr. WALKER. I so understand.

Mr. President, may I respectfully suggest to the gentleman from Westmoreland the song he suggests is over in the House—I understand now it has passed in the House and is over in the Senate, and being a reciprocal body I would like to pass one and send it over to the House. This Bill 1005 is a song that has been adopted, as I understand it, by the Pennsylvania Federation of Women's Clubs, and if the Senator so desires I have copies of the song and will be glad to distribute them. We have victrola records and will be glad to play for him.

Mr. DENT. Mr. President, I think if the people of Pennsylvania find out the Senate of Pennsylvania is passing a Pennsylvania song that has never been heard we will be the laughing stock of the whole state. We might hear the song sung on the streets tomorrow and not know what it is and yet we have voted to adopt a song for the state of Pennsylvania.

Mr. MALLERY. Before getting off of this business of songs, Mr. President, I was requested to introduce a bill that would provide a song for the state and I assumed or gathered the opinion somehow or other, that such matters should originate in the House. In fact, I did not have the temerity to introduce a bill because I thought some one on the right or the left might ask me to sing this song but if my colleague from Allegheny County can get away with the proposition without singing the song I may before the session ends, possibly on the last day, introduce my bill.

The PRESIDENT. Does the Chair understand the gentleman from Blair wants to sing the song?

Mr. DENT. Mr. President, I would just like to say I have a copy of the same letter coming from a resident of my county, who has written another song called "Pennsylvania," and I understand the bill on the Calendar calls the song "Pennsylvania." Is it the same song?

Mr. WALKER. May I suggest to the gentleman from Westmoreland if the words and music of his song were written by Gertrude Martin Rohrer then it is the same song and if it is not then of course we are on another tune entirely.

Mr. DENT. What is the name of that song?

Mr. WALKER. This song is called "Pennsylvania," whereas yours is called "Pennsylvania,"—a very subtle difference. You have to have a very highly trained musical ear to catch the symphony in the song written by Miss Rohrer, which is "Pennsylvania."

Mr. DENT. This is also called "Pennsylvania," words and music by John R. Kiefer. We are getting it all wrong. Somebody is going to have a song and not know the right words.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary

clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. DENT. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DENT from the Committee on Highways reported as amended, Senate Bill No. 467, entitled:

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom, and authorizing the Secretary of Highways to control the direction of the flow of traffic thereof.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD from the Committee on State Government reported as committed, Senate Bill No. 1044, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemptions from execution.

QUESTION OF PERSONAL PRIVILEGE

Mr. WALKER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Allegheny will state his question of personal privilege.

Mr. WALKER. Mr. President, I would like at this time to ask permission of the Senate to have spread upon the Journal the official proclamation by the President on the national emergency. I have a copy here, taken from a Philadelphia newspaper, which I assume is editorially correct, and I would like to submit it and have it printed in the Journal so that it will be readily available to the members of the Senate, in the trying days to come.

The PRESIDENT. If there is no objection it is so ordered.

PRESIDENT'S PROCLAMATION ON
UNLIMITED EMERGENCY

Washington, May 28—(AP)—The text of the Presidential proclamation of an unlimited national emergency:
Whereas on September 8, 1939, because of the outbreak of war in Europe a proclamation was issued declaring a limited national emergency and directing measures "for

the purpose of strengthening our national defense within the limits of peacetime authorizations," and

Whereas a succession of events makes plain that the objectives of the Axis belligerents in such war are not confined to those avowed at its commencement, but include overthrow throughout the world of existing democratic order, and a world-wide domination of peoples and economies through the destruction of all resistance on land and sea and in the air, and

Whereas indifference on the part of the United States to the increasing menace would be perilous, and common prudence requires that for the security of this Nation and of this hemisphere we should pass from peacetime authorizations of military strength to such a basis as will enable us to cope instantly and decisively with any attempt at hostile encirclement of this hemisphere, or the establishment of any base for aggression against it, as well as to repel the threat of predatory incursion by foreign agents into our territory and society,

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, do proclaim that an unlimited national emergency confronts this country, which requires that its military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere.

I call upon all the loyal citizens engaged in production for defense to give precedence to the needs of the Nation to the end that a system of government that makes private enterprise possible may survive.

I call upon our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital.

I call upon loyal State and local leaders and officials to cooperate with the civilian defense agencies of the United States to assure our internal security against foreign-directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions.

I call upon all loyal citizens to place the Nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use all of the physical powers, all of the moral strength and all of the material resources of this Nation.

In witness whereof I have hereunto set my hand and caused the seal of the United State of America to be affixed.

Done at the City of Washington this twenty-seventh day of May, in the year of Our Lord nineteen hundred and forty-one, and of the independence of (Seal) the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:
Cordell Hull
Secretary of State

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1029 passed second reading, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary

clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

be recommitted to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

RECESS

Mr. WALKER. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Appropriations reported as amended, Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

Mr. SNOWDEN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. SNOWDEN from the Committee on Appropriations reported as committed, Senate Bill No. 1051, (House Bill No. 573), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

SENATE BILL No. 629 (HOUSE BILL No. 764) CALLED UP ON SECOND READING POSTPONED

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 629, (House Bill No. 764), on second reading, postponed.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 629, (House Bill No. 764), entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending, revising, consolidating and changing the law relating thereto, providing for the establishment, regulation and use of special dog training areas.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 650 (HOUSE BILL No. 1022) CALLED UP ON SECOND READING

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 650, (House Bill No. 1022), on second reading, postponed.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees directinly the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committee for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 56, entitled:

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 174, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement; construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Erie.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 351, entitled:

An Act authorizing the sheriffs in counties of the sixth, seventh and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county, and prescribing the duties and limiting the compensation of such solicitors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 444, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, abolishing County of Philadelphia as a separate political entity; and providing for administering of county functions by City of Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 463, entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township, to enter upon private property adjacent to any public road of highway, and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the

maintenance of the said public road or highway to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 467, entitled:

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom; and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 472, (House Bill No. 690), entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles and garage keeps, providing that records are admissible as evidence, imposing upon owners counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 482, entitled:

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by providing that sections of highways abandoned by relocation shall be maintained by and at the expense of the town-

ship, borough, incorporated town or city wherein they are located, and by adding a new section to provide that portions or sections of the old highway which are not included within the changed, altered or established widths, shall be considered vacated if such portions or sections are not of the full width of the highway as previously established.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 702, (House Bill No. 752), entitled:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 758, (House Bill No. 727), entitled:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway, and providing for their construction and maintenance by the Commonwealth, subject to certain terms and conditions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 801, entitled:

An Act to validate and confirm certain contracts, heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm, and validate payments on such contracts by the school district.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 813, (House Bill No. 896), entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 859, (House Bill No. 724), entitled:

An Act to further amend section 363 of the act approved May second one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" and further regulating the form and contents of county auditors reports.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 891, (House Bill No. 253), entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 929, (House Bill No. 1510), entitled:

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1006, entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594),

entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1018, entitled:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred forty-one and such time as the funds provided by The General Appropriation Act of one thousand nine hundred forty-one become available.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1023, entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1041, entitled,

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled, "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government

of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1044, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1051, (House Bill No. 573), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CHAPMAN. Mr. President, I move that Senate Bill No. 1051, the bill just read, be recommitted to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, May 29, 1941, at 12 o'clock, noon, Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 10:55 o'clock, p. m., Eastern Standard Time, until Thursday, May 29, 1941, at 12 o'clock, noon, Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 28, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Almighty God, we pause at the beginning of this day's session to call upon Thee to guide us as individuals, to help us as a State, and to preserve us as a Nation. Throughout the ends of the world our President of these United States has made our position as a Nation clear. May we give heed to his words lest we as a Nation go the way of many Democracies in our day. Help us first of all, O God, to keep faith with Thee. Rule our hearts and establish our will to the end that security, order, and peace may prevail. Be Thou our strength and guide in these trying days we pray, in the name of Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when on motion of Mr. O'MULLEN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. SHEPARD. HOUSE BILL No. 1717.

An Act to further amend part of section two of the act approved the thirteenth day of June, one thousand eight hundred eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies," further providing for the burial of unclaimed bodies unfit for anatomical purposes in counties of the first class.

Referred to the Committee on Public Health and Sanitation.

By Mr. MARKS. HOUSE BILL No. 1718.

An Act to repeal sections thirteen, fourteen and fifteen of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment promotion, reduction, removal and reinstatement of paid officers, firemen and employees of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties.

Referred to the Committee on Cities—Third Class.

By Mr. HEWITT. HOUSE BILL No. 1719.

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Execu-

tive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and of certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

Referred to the Committee on State Government.

By Messrs. TAYLOR and DAVID P. REESE
HOUSE BILL No. 1720.

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Harrisburg State Hospital to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Referred to the Committee on State Government.

By Mr. McINTOSH. HOUSE BILL No. 1721

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. MUIR. HOUSE BILL No. 1722.

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

Referred to the Committee on State Government.

By Messrs. READINGER and TURNER.
HOUSE BILL No. 1723.

An Act to amend section four of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing for the appointment, compensation and duties of clerks and pages to the majority and minority floor leaders, respectively, of the Senate and of the House of Representatives.

Referred to the Committee on State Government.

(For House Bill No. 1724, (Senate Bill No. 1004), see Journal of Tuesday, May 27, 1941).

By Mr. O'CONNOR. HOUSE BILL No. 1725.

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one,

(P. L. 594), entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Cambria.

Referred to the Committee on Highways.

By Mr. GILLETTE.

HOUSE BILL No. 1726

An Act to further amend clause (d) of section fifty-nine of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents; rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by imposing additional powers on the orphans' court in certain cases.

Referred to the Committee on Judiciary General.

By Mr. HARKINS.

HOUSE BILL No. 1727

An Act providing that proceedings, acts and bonds issued, by Authorities incorporated under the Municipality Authorities Act, as amended and supplemented, shall not be invalid by reason of certain circumstances.

Referred to the Committee on Public Utilities.

By Mr. HARKINS.

HOUSE BILL No. 1728.

An Act relating to the compatibility of office of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act, as amended and supplemented.

Referred to the Committee on Public Utilities.

By Mr. STINE

HOUSE BILL No. 1729

An Act to add section fourteen and one-tenth to the

act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

Referred to the Committee on Forestry.

By Mr. McDOWELL.

HOUSE BILL No. 1730.

An Act establishing a certain road, not yet in existence, in the County of McKean as a State highway, and providing for its opening, construction and maintenance by the Department of Highways.

Referred to the Committee on Highways.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 599.

(HOUSE BILL No. 1731).

An Act to amend section three of the act approved the twenty-third day of March one thousand eight hundred and sixty-five (P. L. 607) entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Referred to the Committee on Counties.

SENATE BILL No. 619.

(HOUSE BILL No. 1732).

An Act to further amend section two of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing

penalties" by permitting clubs to waive or reduce dues payable by members in military service.

Referred to the Committee on Liquor Control.

SENATE BILL No. 262. (HOUSE BILL No. 1733).

A Supplement to the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 335) entitled "An act creating a temporary commission to examine report upon and recommend measures to improve the economic cultural health and living conditions of the urban colored population of the State and making an appropriation of the expenses of such commission" by extending the term of such commission until the next regular session of the General Assembly and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 618. (HOUSE BILL No. 1734).

An Act to further amend section two of the act approved the sixteenth day of June one thousand nine hundred thirty-three (P. L. 252 1933-34) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" by permitting clubs to waive or reduce dues payable by members in military service.

Referred to the Committee on Liquor Control.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SHAW. RESOLUTION No. 97.

In the House of Representatives, May 27, 1941.

Whereas, Charges have from time to time been made against the county boards of public assistance and against the Department of Public Assistance with reference to the administration by them of the various forms of public assistance, including allegations of discriminations and other improper and unlawful practices; and

Whereas, Charges of such serious import should not be permitted to pass unheeded, but demand an immediate and vigorous investigation as to the truth thereof, and as to the exact facts and circumstances with respect to any and all misconduct on the part of the agencies complained of; therefore be it

Resolved, That the standing Committee on Welfare of the House of Representatives conduct an investigation of all charges of inefficiency, neglect and misconduct on the part of any county board of public assistance, the Department of Public Assistance or the State Board of Public Assistance, and report its finding and recommendations to the House of Representatives at its present session; and be it further

Resolved, That said committee shall have power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirma-

tions to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

SENATE MESSAGES

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 329.

An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" fixing the time of day that the open season shall begin for charr commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1588.

An Act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

With the information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1588.

An Act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general spe-

cial or local or any parts thereof that are or may be inconsistent therewith" as amended by limiting to eleven and three-quarter mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Chudoff for SAMUEL ROSE for the remainder of the week on account of illness in the family.

Mr. BAUGHER for himself for tomorrow's session.

Mr. HIRSCH for himself for tomorrow's session.

Mr. HARRIS for himself for tomorrow's session.

Mr. GATES for himself for tomorrow's session.

Mr. IMBRIE for himself for tomorrow's session.

Mr. GEORGE E. JONES for himself for tomorrow's session.

Mr. COOK for himself for tomorrow's session.

Mr. FISHER for himself for tomorrow's session.

Mr. RAUSCH for himself for tomorrow's session.

Mr. GILLETTE for himself for tomorrow's session.

Mr. GROSS for himself for tomorrow's session.

Mr. McKinney for Mr. ECKLES for the remainder of the week.

Mr. FLEMING for himself for tomorrow's session.

Mr. MIHM for himself for tomorrow's session.

Mr. CULLEN for himself for tomorrow's session.

Mr. WEINGARTNER for himself for tomorrow's session.

Mr. SARGE for himself for tomorrow's session.

Mr. SOLLENBERGER for himself for tomorrow's session.

Mr. WALTER E. ROSE for himself for tomorrow's session.

QUESTION OF INFORMATION

Mr. O'CONNOR. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. O'CONNOR. Mr. Speaker, at this time is it permissible for me to ask for leave of absence from the session of this House to be held on Monday, June 2?

The SPEAKER. It is permissible if the gentleman so desires.

Mr. O'CONNOR. Mr. Speaker, I request a leave of absence from next Monday's session.

The SPEAKER. If there is no objection, leave of absence is granted. The Chair hears none.

LEAVE OF ABSENCE

Mr. LLOYD H. WOOD. Mr. Speaker, I desire to ask leave of absence for myself after today's session.

Mr. ACHTERMAN. Mr. Speaker, I personally feel that there are entirely too many leaves of absence. I feel that there should be some very good definite explanation why the gentleman seeks to be excused.

Mr. LLOYD H. WOOD. Mr. Speaker, I yield to my colleague, the gentleman from Montgomery, Mr. Brunner.

Mr. CHARLES H. BRUNNER, Jr. Mr. Speaker and

members of the House, may I preface my remarks on behalf of my colleague, from Montgomery, Mr. Wood, with a similar request for myself for a leave of absence. To save the time of the House we thought we would join our requests together.

The SPEAKER. The gentleman from Montgomery ought to be used to a short "tale."

Mr. CHARLES H. BRUNNER, Jr. Mr. Speaker, we contemplate being in the position that Major Bowes is on the radio once in a while. We intend to go to an event where they go round and round, and where they come out nobody knows. We ask the indulgence of the majority floor-leader and we ask his concurrence in our absence. I know if he had the opportunity to go with us he would be glad to enjoy this event on Decoration Day.

The SPEAKER. Will the gentleman withdraw his objection?

Mr. ACHTERMAN. Mr. Speaker, since they promise to go round and round, I will withdraw.

Mr. CHARLES H. BRUNNER, Jr. Mr. Speaker, if they don't land in our laps, when they go round and round, we will be with you on Monday.

Mr. HOLLAND. Mr. Speaker, I would like to advise the two members who have asked for a leave of absence to go to a merry-go-round. If they stay here they are on a merry-go-round all the time.

Mr. AUKER. Mr. Speaker, I desire to ask leave of absence for myself for the balance of the week's sessions.

The SPEAKER. I think the gentleman from Montgomery, Mr. Brunner has the gentleman from Blair "one down" now.

Mr. AUKER. Mr. Speaker, I was so busy going round and round during this session, maybe I am a bit confused. I ask leave of absence for the balance of the week after today's session on account of business.

The SPEAKER. Does the gentleman have any business left?

Mr. AUKER. Mr. Speaker, I want to go home and find out.

REPORTS FROM COMMITTEES

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1661, entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth: conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Bill No. 1441, entitled:

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203)

entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

Mr. PETROSKY, from the Committee on Public Utilities, reported as committed, House Bill No. 1482, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations, or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connections with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 611, entitled:

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use of as a State Park; making an appropriation

for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

Mr. O'NEILL, from the Committee on Appropriations, reported as committed, House Bill No. 1519, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture.

Mr. GERARD, from the Committee on Appropriations, reported as committed, House Bill No. 1659, entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 1676, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by defining and making further provision relative to the installation and use of "man lift" elevators.

Mr. EDWIN F. THOMPSON, from the Committee on Highways, reported as committed, House Bill No. 1457, entitled:

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways; and making an appropriation.

Mr. REUBEN E. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1663, entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

Mr. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 1570, entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government; providing for the distribution and sale of such copies; imposing new duties on the Joint State Government Commission; and making an appropriation.

Mr. SARRAF, from the Committee on Ways and Means, reported as committed, House Bill No. 1716, entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold transported, or delivered within the Commonwealth; prescribing the method and

manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; fixing a minimum quantity of malt or brewed beverages which may be sold in cases, cartons or boxes; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Mr. HARMUTH, from the Committee on Highways, reported as committed, House Bill No. 1631, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

Mr. HOLLAND, from the Committee on Appropriations, reported as committed, House Bill No. 605, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for anthracite and bituminous coal.

Mr. O'BRIEN, from the Committee on Appropriations, reported as committed, House Bill No. 502, entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

Mr. HERSCH, from the Committee on Military Affairs, reported as committed, House Bill No. 1686, entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States; providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

Mr. BOIES, from the Committee on Appropriations, reported as committed, House Bill No. 1487, entitled:

An Act providing for the construction and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission, of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County; and making an appropriation.

Mr. BOIES, from the Committee on Ways and Means, reported as committed, House Bill No. 970, entitled:

An Act to further amend section six of the act approved the twenty-first day of May, one thousand nine hundred

thirty-one (P. L. 149) as amended by the act approved the fifth day of June, one thousand nine hundred thirty-seven (P. L. 1703), and to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), as last amended by the act approved the twenty-first day of June, one thousand nine hundred thirty-nine (P. L. 634), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation", to provide for the making of separate reports on liquid fuels sold for aviation purposes, and to further provide for the establishment of an Aviation Liquid Fuels Tax Fund and the return of said taxes to counties of the second class.

Mr. READINGER, from the Committee on Appropriations, reported as committed, House Bill No. 941, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy".

Mr. READINGER, from the Committee on Appropriations, reported as committed, House Bill No. 1337, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 1541, entitled:

An Act providing for uniform reports by political subdivisions to departments, boards and commissions of the State Government.

Mr. MALLOY, from the Committee on Appropriations, reported as committed, House Bill No. 223, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County; or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Mr. MALLOY, from the Committee on Professional Licensure, reported as committed, House Bill No. 1558, entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of March, one thousand eight hundred ninety-nine (P. L. 21), entitled "An act to establish a board for the examination of accountants, to provide for the granting of certificates to accountants, and to provide a punishment for the violation of this act," by

further regulating examination of applicants for certificates as accountants, and making said section conform to the Administrative Code of 1929.

Mr. MALLOY, from the Committee on State Government, reported as committed, House Bill No. 1660, entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

Mr. BONEY, from the Committee on Appropriations, reported as committed, House Bill No. 1496, entitled:

An Act authorizing the Department of Property and Supplies to construct, erect, and dedicate on the Capitol grounds at Harrisburg, Pennsylvania, a memorial to the memory of James Buchanan; and making an appropriation.

Mr. BONEY, from the Committee on Ways and Means, reported as committed, House Bill No. 566, entitled:

An Act to provide revenue by imposing a license tax on the owners of all lawful coin or token operated vending machines, devices or equipment, as herein defined, kept, possessed, used, exhibited or operated for profit, providing for the collection of said tax; imposing certain duties upon the Department of Revenue; prescribing penalties and dedicating the proceeds from such tax to the payment of appropriations for general relief.

Mr. KEENAN, from the Committee on Appropriations, reported as committed, House Bill No. 353, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female) and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Mr. HEATHERINGTON, from the Committee on Highways, reported as committed, House Bill No. 486, entitled:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth, and afford transportation for defense purposes by providing for the construction, operation, and maintenance of a turnpike, from a point at Middlesex in Cumberland County to a point

on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey; and conferring powers, and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing, that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the turnpike, making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances, requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation, and restoration of public roads and state highways affected by the turnpike; providing for condemnation, granting certain powers and authority to municipal subdivisions, and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. BRETHERICK, from the Committee on Ways and Means, reported as committed, House Bill No. 1513, entitled:

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, co-partnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting assets held by liquidating trustees.

Mr. HARRIS, from the Committee on Highways, reported as committed, House Bill No. 220, entitled:

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," requiring the Department of Highways to take over bridges and viaducts on State highways in cities of the third class.

Mr. HARRIS, from the Committee on Forestry, reported as committed, House Bill No. 1650, entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects; author-

izing the Secretary of Highways on behalf of the Commonwealth, and the authorities of the various counties, cities, boroughs and townships to grant and convey certain rights and easements thereof and lands bordering over which such governmental units may have control.

Mr. McFALL, from the Committee on Agriculture, reported as committed, House Bill No. 1182, entitled:

An Act to increase the usefulness of the Farm Show Building and Arena; providing for holding of various exhibitions and shows; creating State show commissions as departmental administrative commissions in various departments and agencies of the State government; and making appropriations.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1662, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania; or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization, and extending the provisions of the act to vocational school districts and institution districts.

Mr. LEYDIC, from the Committee on Education, reported as committed, House Bill No. 1678, entitled:

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by removing certain limitations of the appointment of district superintendents.

Mr. SOLLENBERGER, from the Committee on Education, reported as committed, House Bill No. 1525, entitled:

An Act to amend section seven hundred one and to further amend section seven hundred six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the various boards of school directors to purchase and furnish, free of charge, uniforms for the members of school bands and orchestras.

Mr. BENTZEL, from the Committee on Highways, reported as committed, House Bill No. 1692, (Senate Bill No. 465) entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

Mr. GRYSEWICZ, from the Committee on Highways,

reported as committed, House Bill No. 1691, (Senate Bill No. 419), entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

Mr. HIRSCH, from the Committee on Ways and Means, reported as committed, House Bill No. 1382, (Senate Bill No. 448), entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation, and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

Mr. TROUT, from the Committee on Education, reported as committed, House Bill No. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

Mr. HERING, from the Committee on Ways and Means, reported as amended, House Bill No. 722, entitled:

An Act to further amend section twenty-one of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received from monument and memorial purposes; and prescribing penalties," by imposing a tax on the privilege of attending such spectacles; and repealing former tax.

Mr. CHERVENAK, from the Committee on Education, reported as amended, House Bill No. 723, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment

therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen.

Mr. CULLEN, from the Committee on State Government, reported as amended, House Bill No. 1477, (Senate Bill No. 418), entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of this year as Commodore John Barry Day.

Mr. MARKS, from the Committee on Public Utilities, re-reported as committed, House Bill No. 129, entitled:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action, giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers, and prohibiting certain public utilities from imposing minimum or meter charges.

Mr. McDERMOTT, from the Committee on Appropriations re-reported as committed House Bill No. 909, entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees, and imposing penalties," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LEVY asked and obtained permission for the Committee on Workmen's Compensation to meet during the session of the House.

MR. STANK IN THE CHAIR

BILL ON FIRST READING

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679 was passed over at the request of the Speaker pro tempore.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1197, entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of borough from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1653, (Senate Bill No. 587), entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain in-

digent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1672, (Senate Bill No. 572), entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas, orphans' courts, municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1474, (Senate Bill No. 365), entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor, and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 790, (Senate Bill No. 151), entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office, and validating deeds heretofore so executed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1619, (Senate Bill No. 346), entitled:

An Act to amend section two hundred one and to further amend sections two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which

levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1424, entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1475, (Senate Bill No. 364), entitled:

An Act requiring receivers of taxes in and for cities of the first class to furnish certificates of taxes water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein and limiting the liability of the Receiver for errors in said certificates and retaining the liens of all unpaid taxes water rents and claims against such property though the same are not set forth in said certificate and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1581, (Senate Bill No. 224), entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 687, entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspapers, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 664, entitled:

An Act to amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1328, entitled:

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, township, school districts, and poor districts," by including second class counties, cities of the second class and institution districts within the provisions of the act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1248, entitled:

An Act providing for proceedings by petition in non-support and desertion cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1256, entitled:

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, providing for the confinement of such persons; imposing certain duties on magistrates, and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1626, entitled:

An Act to protect public health, safety and morals and to promote common welfare by regulating the use and

occupancy, re-use and re-occupancy, and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment, by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for appeals to the Zoning Board from refusals of the Department of Health to issue certificates, providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy; imposing penalties and repealing inconsistent acts or parts of acts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Northumberland, Mr. Stank, for presiding.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows.

In the Senate, May 27, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 66, Printer's No. 51, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 27, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 270, Printer's 55, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
It was concurred in.
Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. BAKER asked and obtained permission for the Committee on Insurance to meet during the session of the House.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1485, entitled:

A Joint Resolution proposing an amendment to section four of article two of the Constitution of the Commonwealth of Pennsylvania, prescribing procedure to be followed at regular sessions of the General Assembly and the publication of legislative histories thereat.

The first section was read.

On the question,

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, it was the understanding when this bill came out of Committee, it would be sent back to the committee on Constitutional Amendments after two readings. I am here to say at this time I intend reluctantly to comply with this agreement. I have observed the procedure in this House for a number of years and for a number of sessions and I have felt there are certain defects that might be cured in our legislative procedure, and I, together with my good colleague, the gentleman from Armstrong, Mr. Gates, conceived an idea which we have embodied in House Bill 1485. I think this bill has great merit. I believe it will be productive of very much good in the great Commonwealth of Pennsylvania. Since this bill happens to appear on the floor of the House at a time when our desks are cluttered with so many bills, I am quite sure that many of the Members of the House had no time to give this bill any thought much less to read this particular bill, and because of that fact I ask the indulgence of this body for just a few minutes in order that I may call to their attention just what this bill is.

House Bill 1485 is a bill providing for an amendment to the Constitution. It would continue the legislative procedure as theretofore, meeting on the first Tuesday of January, and after meeting and organizing work, would as usual recess for a week, giving time to appoint committees and giving time for the officers who are elected to outline a program.

After the first week's recess, the Members of the House will again assemble here and then would devote the five weeks following the first week of recess to the matter of introducing bills. Bills would be introduced. This Constitutional amendment would require that every week there would be printed a joint House and Senate history, giving the titles of these bills as we have done heretofore, and in addition to that it would require that there be printed after the title just what change this particular bill as introduced, would make in the laws of our Commonwealth or what provisions it would make if it were a new act.

After this period of five weeks this new procedure would require that we adjourn for a month, four legislative weeks, and go back to our homes if necessary, and this

Joint House and Senate history would be distributed. Let me call your attention to the fact that the Constitutional Amendment requires that the Senate and House joint history will be printed each week and it will be made available for distribution over the state. The description of these bills which have been introduced would give to the people of our state some knowledge of the bills introduced and give them an opportunity to study them so that they could in turn contact their representatives and urge the passage of certain bills that may seem good, and also on the other hand urge the defeat of other bills which they might deem not for the best interests of this state.

During the five week period in which bills were being introduced this House would not be barred from certain action. These bills could be considered in Committee but not reported out; public hearings, if necessary, could be held on these different bills which have been introduced, and party caucuses could be held to determine the stand the parties might want to take on certain bills. There is nothing partisan about it. After five weeks we could come back here with a knowledge of these bills, and then print an accumulated history jointly with the Senate, and there would appear in that history nothing but the bills that have been released from committee.

I contend that the Chairmen of the Committees having these bills before them, and having an opportunity to study them, would be able to know in a very short time what bills have merit, what bills they would like to report to the House and what bills they would like to have buried. I believe this would result in better legislation. I understand there are other Members of this House who would like to talk on this bill and I do not want to monopolize the privilege that was so kindly extended to me, so I will now comply with the request of this Committee on Constitutional Amendments.

MOTION TO RECOMMIT

Mr. NAGEL. Mr. Speaker, I move that this bill be re-committed to the Committee on Constitutional Amendment.

On the question,

Will the House agree to the motion?

Mr. JAMES. Mr. Speaker, I intended to oppose the motion to recommit this bill, but since one of the co-sponsors of the bill, Mr. Nagel, has indicated he is under agreement to recommit it, I do not intend to press that point. I do want to say I hope that the recommission of this bill will not mean its burial. I believe the Committee on Constitutional Amendments could do no greater piece of work in this session than to do the few things they want to do with this bill and then bring it before the House for action.

Mr. Speaker, it will take the vote of this General Assembly and the vote of the next General Assembly to put this resolution into effect. I am going to very seriously recommend that every Member of this House get a copy of House Bill 1485 and read it thoughtfully and carefully. It is a piece of legislation that seems, I think, in the minds of men who have had more than one session's experience here, to be sorely needed.

There is one phase of the situation concerning which I think I am particularly qualified to speak. At the last session of the legislature it was my privilege to serve as vice chairman of the Printing Committee. I had occasion at that time to note what a great waste took place

in printing bills for the information of members. I noted also at the same time how very little information the members succeeded in getting out of perhaps seventy-five percent of all the bills.

MOTION WITHDRAWN

Mr. NAGEL. Mr. Speaker, may I temporarily withdraw my motion to recommit this bill so as to give the gentleman an opportunity to speak on the bill.

The SPEAKER. The gentleman may withdraw the motion.

On the question recurring,

Will the House agree to the section?

Mr. JAMES. Mr. Speaker, if this resolution in this session or in the next session were put in line for a constitutional amendment, it is my opinion that not only would the General Assembly be furnished with information concerning bills that are going to be brought before them for action, but information that would really be information and not simply perfunctory styling of words.

It is also my settled conviction if this legislation should become law that the state of Pennsylvania would save not less than one hundred and fifty thousand dollars in printing alone in any normal session. Since the sponsor of this bill has withdrawn his motion or his acquiescence in recommitting it, I am going to ask the Members, in order that this matter may be brought seriously before the attention of each and every one of us, that this bill be not recommitted.

Mr. GATES. Mr. Speaker, I realized when this resolution providing for a constitutional amendment was submitted to the Members of this House that it was not a perfect piece of legislation, but we were hoping the men who had served in this House would study it, sit down together and in some manner try to make a perfect bill that would expedite the work of the General Assembly.

Every member of this House knows it is humanly impossible for us to read and to understand from two or three thousand bills that are presented in this House. We know when we meet in the various committees, and since I have been a member of the legislature, I have deemed it one of my obligations to attend committee meetings, that much discussion takes place pro and con, whereas if this particular piece of legislation is enacted into law, each Member of that committee would be thoroughly conversant with everything that a new bill tries to do.

I believe at this time I would like to read a statement which I cut out of a Philadelphia paper this morning, which is headed "Legislative Doggling," by the Committee of Seventy of Philadelphia. The article reads as follows:

"Four and one half months of wrangling by the Pennsylvania Legislature already has cost the State's taxpayers more than one million dollars in expenses, the Philadelphia Committee of Seventy charged today, demanding the end of the legislation session. The committee yesterday said that on the twenty-one hundred bills introduced as of May 10 only 28 were passed and sent to the Governor."

Mr. Speaker, I believe under this particular resolution no complaints would be forthcoming from citizens of the state of Pennsylvania. It will not only expedite the work of this Assembly, but it will also economize in the amount of money that is paid by the taxpayers of our State, and undoubtedly with every Member of this House being familiar with every bill, it certainly would give to the

state of Pennsylvania better legislation.

Therefore, Mr. Speaker, for that reason I would ask that the membership of this House pass this bill, send it over to the Senate, and then if anyone has any amendments we certainly would be glad to listen to them.

However, Mr. Speaker, I do feel morally responsible to agree with my co-sponsor, Mr. Nagel, that it was a distinct understanding with the Committee on Constitutional Amendments, if they would report the bill out for two readings that we would recommit the bill, and to keep our word with that Committee I simply cannot ask that anything be done but that this bill be recommitted, with the sincere hope that the committee again will re-report the bill for the consideration of the House.

Mr. NAGEL. Mr. Speaker, I want the Committee on Constitutional Amendments to know I always endeavor to keep my word. As I said, I am making this motion reluctantly because I feel that this bill has some merit. I hope if and when this bill is sent back to Committee it will not go back there and be buried. I know this Committee has sufficient intelligence to give it further study. I think the matter has been brought to their attention sufficiently and I am satisfied they will give the matter study.

BILL RECOMMITTED

Mr. NAGEL. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1537, (Senate Bill No. 381), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the second, third, fourth, fifth and sixth classes.

The first section was read.

On the question,

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 496), page 2, line 4, by striking out the word "or".

Amend Sec. 1 (Sec. 496), page 2, line 4, by inserting after the word "sixth" the following: "seventh or eighth."

Amend sec. 1 (sec. 496) page 2, line 9, by striking out the words "and/or" and inserting in lieu thereof: "or".

Amend sec. 1 (sec. 496) page 2, line 12, by inserting after the word "thereof" the following: "Any such county may also appropriate for such purposes any lands heretofore or hereafter purchased by it at any tax sale and which have not been redeemed within the period provided by law: Provided, however, That nothing herein contained shall be construed to authorize the condemnation of any property owned by a railroad company subject to the provisions of the Pennsylvania Public Utility Law."

Amend sec. 1, page 3, by inserting between lines 12, and 13, the following: "Section 496.4. Any such county acquiring any land for such purpose may by resolution of

the board of commissioners, appropriate such funds as are necessary for the engineering, design, surveys and construction of such an airport, either wholly, by themselves or in cooperation with State, Federal or other public agencies supplying a portion of the necessary funds for said work."

The amendments were agreed to.

The section was agreed to as amended.

The second and third sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 8 of title, by striking out the word "and"

Amend title, page 1, line 9, of title, by inserting after the word "sixth" the following: "seventh and eighth".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. STANK, asked and obtained permission for the Committee on Highways to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1630, entitled:

An Act to further amend clause (b) of section two hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth.

The first section was read.

On the question,

Will the House agree to the section?

MR. O'BRIEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1 (Sec. 201), page 3, line 23, by striking out the following "thirty-nine" and inserting in lieu thereof: "forty-one".

Amend Sec. 1 (Sec. 201), page 3, line 28, by striking

out the following "thirty-nine" and inserting in lieu thereof: "forty-one".

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1293, entitled:

An Act to carry into effect section one of article fifteen of the Constitution giving cities of the third class the right and power to frame adopt and amend their own charters and to exercise the powers and authority of local self-government and providing the procedure therefor imposing certain restrictions limitations and regulations imposing duties upon city councils city officers county boards of elections courts of common pleas and the Secretary of the Commonwealth and providing for the payment of certain expenses by cities of the third class.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RUSH. Mr. Speaker, I move that this bill be re-committed to the Committee on Cities Third Class for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 2, entitled:

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1724, (Senate Bill No. 1004), entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one.

The first section was read.

On the question,

Will the House agree to the section?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the following: "eleven million dollars (\$11,000,000)" and inserting in lieu thereof: "six million two hundred fifty three thousand six hundred dollars (\$6,253,600)".

Amend Sec. 1, page 2, lines 5 to 9, by striking out the following: "and for the payment of assistance admin—" in line 5, and all of lines 6 to 9, both inclusive.

Amend bill, page 2, by inserting after line 20, the following: "Section 3. Out of the moneys appropriated by section one of this act, the Governor, the Auditor General, and the State Treasurer, or the majority thereof, shall, from time to time, allocate to the Department of the Auditor General and the Treasury Department, respectively, such sums as may be deemed necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for, or relating to, public assistance, including any Federal funds supplementing such appropriations."

On the question,

Will the House agree to the amendments?

Mr. WOODSIDE. Mr. Speaker, this is a stop gap bill. We are appropriating for general assistance beginning with the new biennium on June 1st of this year. The Senate passed the bill providing for the appropriation of eleven million dollars. It is understood, of course, whatever appropriation will be made, will be made with the idea of its lasting as long as the money lasts, and thereafter the appropriation bill for the entire biennium which was passed by the House yesterday would take up the appropriations and continue on.

Mr. Speaker, it seems to me that the amount set forth by the Senate of eleven million dollars was not unreasonable or unjust, and there is no reason to make any change by this amendment. The gentleman on the other side has seen fit to reduce the amount to \$6,253,600, which of course is a very odd figure, but represents the amount estimated to be sufficient to see relief through during the month of June.

Mr. Speaker, I think the amendment is unwise because it is going to force the Governor to give complete attention to the entire budget program within a very short time after the session adjourns. He should not be forced to do it. As a matter of fact, it is well known by everybody who knows anything about the budget and the signing by the Governor of the appropriation bills, that the relief appropriation bill has been used, not only during this administration, but in the last administration as the item which to a large degree balances the budget one way or the other. As a result of that the relief appropriation bill really should not be signed until after the general appropriation bill is either signed or the amount of the bill has been decided upon. The general appropriation bill cannot be definitely decided upon until all the other bills, or many of the other bills, which are on the Governor's desk have been signed or vetoed, because the amount which is inserted in the general appropriation bill will vary up and down in many instances, depending upon the signing or the vetoing of the other bills. If the session continues into the middle of June, which it certainly must, the Governor has thirty days after that time, or until the middle of July to act upon the legislation. We all know from experience of the past that it is not too much time. He should not be forced to pass upon this merely because

you are trying to force him. It seems to me there is no possible reason for putting in this amendment except to force the Governor to do that which he should not be forced to do. There can be no legitimate reason for that situation at all, and if the session should continue until the end of June, we might find ourselves in a very embarrassing situation. For example, you might very eagerly be about to adjourn, say, on the twenty-sixth day of June, or in that neighborhood, then something would happen to delay the session for a week or ten days more. Each day you would think that at least in three or four days away, you are going to be able to adjourn, and then you would have to pass another stop-gap appropriation. Then you would come up to the end of June and be ready to adjourn, and have no appropriation bill except the general appropriation bill available. If you should happen to go over in to the month of July, it would be necessary to pass another stop-gap appropriation. In that instance, it might very likely be necessary to keep the Legislature in session a couple days more in order to meet that situation.

If there be any reason or logic in cutting down the amount of the appropriation at the present time, I would say go ahead and do it, but as I see it, there cannot be a single reason advanced for the reducing of this amount at this time, because what is the difference if we make it ten million dollars or twenty million dollars or thirty million dollars? It wouldn't make any difference because we are going to supplement it with another appropriation bill. We well know that six million dollars is not going to last the biennium. We well know eleven million dollars is not going to last the biennium. Therefore, it seems to me the only reason for putting this amendment in is to try to annoy and harass the Governor and the Department of Public Assistance, making it more difficult to obtain money from the Federal Government. Not that they finally will not do it, but it is a complicated procedure in obtaining the money and it complicates the procedure of the Governor in passing upon the legislation which he has before him, forcing the matter without any reason or logic, whatsoever. It seems to me it is unfair to offer this amendment and it should be voted down.

Mr. ACHTERMAN. Mr. Speaker, I was rather interested in the remarks of the gentleman with reference to the reduction in the bill from eleven million dollars to six million dollars, to the effect what difference would it make whether the amount be twenty million or thirty million dollars or any other figure. Possibly it should be the one hundred and thirty million dollars he complained so seriously about in the bill yesterday which we passed and sent to the Senate. Then, of course, it was wrong; today it could be more.

Mr. Speaker, may I give the gentleman a reason why I feel action should be taken to reduce the amount. The Senate has had the same opportunity to study the subject as has this House. Apparently they have proceeded in a rather lackadaisical manner in their studies. Now apparently they are asking for about two months more study. We are serving a notice on the Senate that we are expecting action by that body in this coming month. We are keeping figures down to that particular figure.

As to the Governor being inconvenienced, I am assuming that he and his department are following legislation in this House and I also assume they are following the action in the Senate. I assume they know just as we know, the

present conditions and what may be anticipated. I assume that the Governor has had full notice and full information as to the legislation that has been passed in both Houses, so that the Governor will be able to act immediately if necessary. It would not be the first time a Governor has been asked to devote his time to a particular subject. Therefore, I say to the gentleman from Dauphin the reason he gave why it should be left at eleven million dollars is in order to give the Senate two months more time to waste, when their study should be completed now, and they should be prepared to act.

Mr. Speaker, I might say this is perhaps the only method we can use to force the Senate to give consideration to this vital problem.

Mr. WOODSIDE. Mr. Speaker, what I have been saying on the Floor of this House time and time again is now being demonstrated. The gentleman from Monroe has no concern for the people on relief, except for one purpose and that is to use it politically. And what do they do? They reduce the amount to the people on relief. For what purpose? For the single purpose of trying to force the Senate to act upon their budget program within three or four or five days, or at the most one or two weeks after it has been submitted to them by the Members on the other side. They are not interested in the people on relief. Why do they put this amendment in? They put it in for one reason and one reason only, and that was for the sake of playing politics and attempting to work a squeeze play on the Senate. That is the answer from the other side as given to me as to why this amendment was put in this bill and for only that reason. They are not interested in the welfare of the State, nor are they interested in the welfare of the people on relief, nor are they interested in orderly government, nor are they interested in what is right. They are interested in only one thing, they are interested in playing politics and trying to force the Republican Senate to take action on this bill before they have time to consider it.

Mr. Speaker, they speak about the length of time they have had to consider this matter. Certainly they had a length of time to consider the whole matter. The Governor in his budget message said this, and I quoted it exactly on the floor of this House. The Governor said he welcomed any suggestions, that this was not a "must" program and if we have any suggestions, come in and make them. Have they come in from February 2 until yesterday and made any suggestions? There was not one word suggested until yesterday or the day before. Nobody came to the Governor's office with any suggestions. Only yesterday or the day before, they come in here with an alternative plan. They say, "here it is, you must swallow our alternative plan; you must take it right away or else." Or else what? Or else we are going to force you to do it by cutting down the appropriation for relief. The gentleman is not fair in stating the Senate had two months to consider this. That is not true and the gentleman well knows it. He knows the law provides that the Governor has thirty days after the Legislature adjourns in order to pass on bills. He knows that there is always on the desk of the Governor after the Legislature adjourns a vast amount of legislation which it is impossible for him to consider in a few minutes, or in a few hours, or a few days time. He knows, or ought to know, that the general appropriation bill or the items in it depends in

many instances upon other bills which are passed by this Legislature which are on the Governor's desk for signature, and that the general appropriation bill should not under normal procedure be signed by the Governor until these other matters have received consideration. Yet, despite that knowledge which the gentleman has, or should have, he comes before this House and suggests we are asking too much time for the Senate to consider that legislation. We are not asking for any time, nobody is asking for any time for the Senate to consider this legislation.

I assure you, Mr. Speaker and Members of the House, that the Senate is going to give much more time and consideration to this program than was given by this House of Representatives, particularly by the Committee on Appropriations and the Committee on Ways and Means.

The gentleman has since stated that the only purpose of these amendments is to work a squeeze play upon the Senate. Mr. Speaker, if that is the only purpose for the amendment, I think my request to vote down the amendment has certainly been borne out.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin would have you infer what we are proposing is to reduce the amount of relief in Pennsylvania. That, however, Mr. Speaker, is not the true situation. We are not endeavoring to take away one cent from those who are on relief. We have complained, not once but many times, on the floor of this House that relief as it is administered in Pennsylvania today is keeping the individuals that are unfortunate enough to be on the relief rolls in virtual starvation. Sufficient sums are not allotted to properly take care of the families now on relief. Our party has always been prepared and is now prepared to adequately take care of those individuals. We suggest as a matter of fact that the Department of Public Assistance make an effort to furnish at least a sufficient allowance for shelter for these families on relief. The power to do it is within that department. I am saying, Mr. Speaker—

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order. The Speaker. The gentleman from Delaware will state his point of order.

Mr. TURNER. The gentleman is not speaking on the amendment.

The SPEAKER. The Chair has given both speakers wide latitude. The question before the House is on the amendment offered by the gentleman from Monroe, Mr. Achterman. The gentleman will proceed.

Mr. ACHTERMAN. Mr. Speaker, the question raised by the gentleman from Dauphin was whether or not we were playing politics with relief, whether we were endeavoring to cut off relief or to reduce relief. I am stating to the Members on the other side we are not, we are willing to meet with them and go further on the subject. I am answering directly the question raised by the gentleman from Dauphin.

May I add also in relation to the question of study. I am at a loss to understand, Mr. Speaker why the Senate should need two more months to study. Who is playing politics with relief? Why, the Senate. The Senate is desirous of having an extension of two months for the playing of politics. The Members of the House on this side are saying to the Senate, "You have a relief bill

that you can pass, which will take care of the problem for the coming biennium. We will give you this stop gap of a month, but we are expecting now that you do give it attention."

The subject is not new. They heard the Governor's message the same as we did, they received the same recommendations, they know the problem, and the problem, as we have changed it, is on the same subject matter. All they need do, and all that we have heretofore done, is verify the figures and verify the accuracy of the Governor's statement.

May I add in closing relative to the statement that we should go to the Governor instead of this House with our program, that the gentleman from Dauphin, the same as I, heard the Governor on more than one occasion say, "The problem of legislation, the problem of solving those things that face the Commonwealth are not his but are exclusively those of the Legislature." I am surprised and shocked, Mr. Speaker, that the minority leader should now say instead of laying our program before this House we should have taken it to the office of the Governor. I am saying, Mr. Speaker, we have laid our program, according to the Governor's own words, before the proper body.

Mr. TURNER. Mr. Speaker, in the first place let me correct the gentleman from Monroe, Mr. Achterman. The gentleman from Dauphin, Mr. Woodside did not say the Democratic Party was cutting relief nor playing politics with the relief bill. What he said was this, that they are using relief and the relief appropriation to play politics.

In the second place the gentleman from Dauphin did not say that we should go to the Governor and that the Governor should work out our program. The gentleman from Monroe said the Governor ought to know all about it and be able to act on it promptly, and therefore there was no reason why he could not dispatch the fiscal program immediately. What the gentleman from Dauphin, Mr. Woodside, said was if the gentleman from Monroe wanted to have his program considered very promptly by the Governor and wanted to work things out with the Governor, he should have gone in the days that have passed and mapped out and discussed it in order that the Governor might have a chance to know the things which the gentleman from Monroe has just revealed to the House in the last few days.

Now, Mr. Speaker, if this House follow the gentleman from Monroe, Mr. Achterman, you cannot create anything but chaos and confusion. The gentleman from Monroe knows it has been the custom ever since I have been in the House that the general appropriation bill and most of the appropriation bills, the ones for hospitals and homes and other bills of that character reach the Legislature finally in the very closing days or moments of the session of the Legislature. There is a very sound reason why that is so, as the gentleman from Dauphin pointed out. Because there are many bills which the Members of the Legislature have, which if they finally are passed by the Legislature and are signed by the Governor, may impose further requirements for expenditures upon the Commonwealth of Pennsylvania. Therefore, if you cannot determine what your appropriations are going to be until the last moment, you cannot determine exactly what your taxes are going to be and what taxes will be required until the closing moments. Therefore, Mr. Speaker, if

you follow the gentleman from Monroe in his insistence that there must be immediate action by the Senate upon the program which he has just given to them, even if he were correct in his statement that the Senate had ample time to study that program, nevertheless, the practical result of that would be that the Senate and the House would then move to adjourn within the next few days. What would that mean? What would be the result? There are about 300 bills in the Senate that have been passed by this House which are the acts that you are interested in. They are bills which have already passed through the House and which have been sent to the Senate for action. There are about 200 more bills in this House which have come from the Senate, which the Senators want to have acted upon, and which we must have time to act upon in the committees of this House before we can determine upon the adjournment. How could you then possibly follow the line which the gentleman from Monroe has placed before us? How can you follow that course of procedure? We might as well say, "We will appoint a committee on conference between the two Houses now on that program and we might as well quit." If you quit, than all of these bills are going to be lost and all of the bills of the Senate are going to be lost. If we follow the usual course in the next couple weeks, and you want to pass those bills that you feel you should pass, which have come from the Senate, and if you want the Senate to pass those bills which have come from the House, if you follow that course, there will be undoubtedly placed upon the Governor's desk at last a couple hundred bills. Then you would ask the Governor within the short space of time that is allowed, within a couple of weeks, to pass upon a couple hundred bills. You know the course they take, they have got to go to the Attorney General's office. The Attorney General must scan them. You know many times there are errors in the bills when they get there. The Attorney General must write a message to the Governor. They must go to the Governor's desk for consideration, and not until those bills have been cleared from his desk has he an opportunity to determine whether there is any effect in any of those bills upon fiscal program.

Not until the Governor has determined how much money is required by the other appropriation acts can he start work on the general appropriation bill and the other appropriation bills which are sent to his desk. The suggestion of the gentleman from Monroe is preposterous: it is absolutely absurd. It is just another indication of the kind of chaos and confusion which is now the program of the Democratic leadership in this House. I think in the next few days the people of the Commonwealth are going to awaken to the situation. I think you men on the other side are going to awaken to the situation with which you are faced and you are going to repudiate that kind of a program.

On the question recurring,

Will the House agree to the amendments?

The yeas and nays were required by Messrs. WOODSIDE, TURNER and SNYDER and were as follows:

YEAS—113

Achterman,	French,	McDermott,	Rooney,
Baker,	Gallagher,	McFall,	Rose, S.,
Balthaser,	Gerard,	McIntosh,	Rosenfeld,
Baughner,	Gryskewicz,	McLane,	Rush,

Bentley,	Haberlen,	Melchiorre,	Sarra,
Bentzel,	Hamilton,	Mihm,	Scanlon,
Boles,	Harkins,	Modell,	Schwab,
Boney,	Harmuth,	Monks,	Shaffer,
Bradley,	Harris,	Mooney,	Shaw,
Breth,	Heatherington,	Moran,	Skale,
Brunner, P. A.	Hering,	Moul,	Stank,
Burns,	Herman,	Nagel,	Stine,
Burris,	Hersch,	Nunemacher,	Tate,
Chervenak,	Hirsch,	O'Brien,	Thompson, E. F.,
Chudoff,	Holland,	O'Connor,	Verona,
Cohen, M. M.	Jefferson,	O'Mullen,	Vincent,
Cohen, R. E.	Jones, P. N.,	Owens,	Vogt,
Corrigan,	Keenan,	Petrosky,	Voldow,
Croop,	Kenehan,	Pettitt,	Weiss,
Cullen,	Kolankiewicz,	Polaski,	Welsh, E. B.,
DiGenova,	Komorowski,	Polen,	Williams,
Dolon,	Leonard,	Powers,	Wolf,
D'Ortona,	Lesko,	Prosen,	Woodring,
Duffy,	Levy,	Rausch,	Wright,
Early,	Longo,	Readinger,	Yester,
Falkenstein,	Malloy,	Reese, R. E.,	Young,
Finestone,	Marks,	Regan,	Kilroy,
Flynn,	Maxwell,	Reynolds,	Speaker.
	McClanaghan,		

NAYS—66

Auker,	Gates,	Lichtenwalter,	Sorg,
Bower,	Gillan,	Lyons,	Stambaugh,
Bretherick,	Greenwood,	McClester,	Stockham,
Brunner, C. H.	Gross,	McKinney,	Thompson, R. L.,
Cadwalader,	Gyger,	McMillen,	Trout,
Cook,	Haines,	McSurdy,	Turner,
Cordier,	Hall,	Muir,	Van Allsburg,
Dalrymple,	Hare,	O'Dare,	Voorhees,
Dennison,	Helm,	Reagan,	Wagner,
Dix,	Hewitt,	Reese, D. P.,	Watkins,
Elder,	Imbrie,	Rhea,	Weingartner,
Ely,	James,	Riley,	Wilkinson,
Fisher,	Kline,	Rose, W. E.,	Wood, L. H.,
Fiss,	Knoble,	Royer,	Wood, N.,
Fleming,	Krise,	Serrill,	Woodside,
Fletcher,	Lee, E. A.,	Snyder,	Yeakel,
Foor,	Lee, T. H.,	Sollenberger,	

So the question was determined in the affirmative and the amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. ACHTERMAN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 2 and 3 of title, by striking out the words "and providing for certain allocations therefrom"

Amend title, page 1, lines 6 to 8, both inclusive, by striking out all of said lines, and inserting in lieu thereof: "providing for certain allocations from such appropriation by the Department of Public Assistance, and also by the Governor, the Auditor General, and the State Treasurer, or the majority thereof".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

PARLIAMENTARY INQUIRY

Mr. AUKER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Blair will state his question of parliamentary inquiry.

Mr. AUKER. Mr. Speaker, I had a desire to put in a motion after the finish of the first reading calendar, but

due to the fact that I was absent at a committee meeting I was not able to get it in, and I now ask whether it would be permissible at this time to make a motion.

The SPEAKER. If there is no objection the Chair will receive the motion of the gentleman under the circumstances as explained. The Chair hears no objection, The gentleman sent his motion to the desk?

RECONSIDERATION OF SENATE BILL NO. 284

Mr. AUKER. Mr. Speaker, I move that the vote by which House Bill No. 1578 (Senate Bill No. 284), Printer's No. 146, entitled:

An Act to amend section 901 of, and to add sections 901.1, 901.2, 901.3, 901.4, 901.5, 901.6, 901.7 and 901.8 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by regulating the dismissal of employes and subordinate officers of the city.

was recommitted to the Committee on Judiciary Special on Monday, May 26 be reconsidered.

Mr. GROSS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Blair, Mr. Auker, vote on the motion to recommit?

Mr. AUKER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Cambria, Mr. Gross, vote on the motion to recommit?

Mr. GROSS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. AUKER. Mr. Speaker, the bill had been originally passed over on first reading, and while my attention was diverted for a few minutes, the motion was made and passed very quickly.

This bill came out of the Committee on Third-class Cities. It is essentially a third-class cities bill, and while we are not permitted to state what takes place in committees, I feel sure if the membership of the House knew of the action that was taken, or the nature of the action that was taken, by the Committee on Third Class Cities they would feel the House should back up the Third Class Cities Committee and give all the Members of the House a chance to vote "aye" or "no" on this particular measure when it comes up for final passage. It is our desire to have the bill remain on the calendar and either be voted through or voted down upon the floor of the House.

Therefore Mr. Speaker, I ask all of my colleagues and the Members of this House to vote "aye" on this motion.

Mr. ACHTERMAN. Mr. Speaker, I oppose this particular motion. I know of nothing to make me feel that the House did not recommit the bill after due and mature consideration. The effect of the motion, if it were to be sustained, would be tantamount to that of discharging the Committee which now has received the bill for its consideration. Under those conditions I ask the Members of the House to oppose the motion.

Mr. AUKER. Mr. Speaker, I feel that the gentleman from Monroe, Mr. Achterman, is somewhat in error. The membership of this House did not have a chance to give mature deliberation to the motion by which this particular bill was taken out of the hands of the Committee on Third Class Cities and put in the hands of the Com-

mittee on Judiciary Special, which by no stretch of the imagination would have any jurisdiction over the matters contained in this bill. It was a motion made simply to pickle the bill. I did not want to ask for a roll call on this matter but if there is going to be opposition I am going to ask for a roll call, and Mr. Speaker, I so ask for a roll call on this motion.

The yeas and nays were required by Mr. AUKER and Mr. GROSS and were as follows:

YEAS—65

Auker,	Habbyshaw,	Malloy,	Sarge.
Bower,	Haines,	Marks,	Serrill,
Bretherick,	Hall,	McClester,	Simons,
Brunner, C. H.,	Hare,	McDermott,	Sorg,
Cadwalader,	Helm,	McKinney,	Stambaugh,
Cordier,	Hewitt,	McMillen,	Thompson, R. L.,
Dalrymple,	Huntley,	Muir,	Trout,
Dennison,	James,	Nunemacher,	Turner,
Dix,	Jones, G. E.,	O'Dare,	Voorhees,
Elder,	Kline,	Petrosky,	Wagner,
Elv,	Krise,	Rank,	Weingartner,
Fiss,	Lee, E. A.,	Rausch,	Weiss,
Fleming,	Leisey,	Readinger,	Wilkinson,
Foor,	Leydic,	Rhea,	Wood, L. H.,
Gates,	Lichtenwalter,	Rose, W. E.,	Woodside,
Greenwood,	Lyons,	Royer,	Yeakel,
Gyger,			

NAYS—91

Achterman,	French,	Longo,	Regan,
Baker,	Gallagher,	Maxwell,	Reynolds,
Balthaser,	Gerard,	McClanaghan,	Rooney,
Baughner,	Gryskewicz,	McFall,	Rose, S.,
Bentley,	Heberlen,	McGrath,	Rosenfeld,
Botes,	Hamilton,	McIntosh,	Sarra,
Brunner, P. A.,	Harkins,	McLane,	Scanlon,
Burns,	Harmuth,	Melchiorre,	Shaffer,
Burris,	Harris,	Mihm,	Shaw,
Chudoff,	Heatherington,	Modell,	Skale,
Cochran,	Hering,	Monks,	Stank,
Cohen, M. M.,	Herman,	Mooney,	Tarr,
Cohen, R. E.,	Hersch,	Moran,	Thompson, E. F.,
Croop,	Hirsch,	Moul,	Verona,
Cullen,	Holland,	Nagel,	Vincent,
Dolon,	Jefferson,	O'Brien,	Vogt,
D'Ortona,	Jones, P. N.,	O'Mullen,	Voldow,
Duffy,	Keenan,	Owens,	Welsh, E. B.,
Early,	Kenehan,	Pettit,	Williams,
Falkenstein,	Kolarkewicz,	Polen,	Wolf,
Finestone,	Komorowski,	Powers,	Young,
Finnerty,	Leonard,	Prosen,	Killroy,
Flynn,	Lesko,	Reese, R. E.,	Speaker

So the question was determined in the negative and the motion was not agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1094, entitled:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons, copartnerships, associations and corporations engaged in the manufacture, producing and dealing in drugs and medical supplies, regulating the manufacture of drugs and medical supplies, prescribing permit providing for inspections and the suspension and revocation of permits, conferring powers on the State Board of Pharmacy and courts and providing penalties.

RECONSIDERATION OF VOTE

Mr. ELLWOOD B. WELSH. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. PROSEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Welsh, vote on the third reading of this bill? Mr. ELLWOOD B. WELSH. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Prosen, vote on the third reading of this bill? Mr. PROSEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. ELLWOOD B. WELSH. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 4, page 4, line 19, by striking out the word "the" and inserting in lieu thereof: "a".

Amend Sec. 4, page 4, lines 19 and 20, by striking out the words "prescribed by the Department of Public Instruction" and inserting in lieu thereof: "of five dollars (\$5.00)".

Amend Sec. 7, page 7, line 7, by striking out the word "Ninth" and inserting in lieu thereof: "eighth".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1406, (Senate Bill No. 588), entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. SKALE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1545, as follows:

An Act to amend section one of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the

protection of producers of farm produce providing for the licensing bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" by redefining the term dealer.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one of the act approved the twenty-seventh day of May one thousand nine hundred and thirty-seven (P. L. 901) entitled "An act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties" is hereby amended to read as follows:

Section 1 Be it enacted et cetera That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section.

(a) "Dealer in farm produce" means any person association copartnership or corporation engaged in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of any farm produce and includes every person association copartnership or corporation receiving or purchasing farm produce on consignment or on a net return basis but shall not include persons associations copartnerships or corporations owning or operating retail grocery stores or those owning or operating retail grocery stores and maintaining warehouses or farm product assembly stations in conjunction therewith in this Commonwealth.

(b) "Department" means the Department of Agricultural vegetable fruit and floriculture products of all soil poultry eggs nuts flowers and honey but shall not include timber products tea coffee or livestock.

(c) "Farm produce" includes all agricultural horticulture of this Commonwealth.

(d) "Net return basis" means a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid.

(e) "On consignment" means any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner.

(f) "Producer" means any producer of farm produce in this Commonwealth.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Mr. ELY. Mr. Speaker, the act which this bill before us seeks to amend was passed in 1937 for the purpose of protecting farmers from unscrupulous commission merchants who come through the country buying up produce and then when the farmers seek their money for this produce the commission merchants cannot be found, and no residence or place of business of such commission merchants can be found.

In the operation of this act it was discovered that it also covered grocery stores. The amendments which are before us seek to remove the grocery stores from the definition "dealer" in the act, which is all right, but in so doing it opens the most beautiful loop hole that could possibly be conceived for an unscrupulous dealer. The

amendment provides that "anyone owning or operating a grocery store shall not be covered by the act."

If the unscrupulous dealer desires to be relieved from his responsibility of providing a bond and having a license, all he has to do is to rent or buy a grocery store and hire someone to operate it for him and he will be scot free under the act and can continue his illegitimate dealings as he pleases, while the honest dealer would still be required to furnish his bond and secure his license. There is a very satisfactory way of removing the grocery store from the provisions of this act but the amendment does not do it. It is very dangerous and should not be adopted in its present form.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—28

Achterman,	Hirsch,	Moran,	Sarraf,
Bentzel,	Komorofski,	Moul,	Shaffer.
Brunner, P. A.,	Lesko,	Nagel,	Stine,
Cadwalader,	Longo,	Petrosky,	Welss,
Cohen, M. M.,	Maxwell,	Polaski,	Wolf,
Gallagher,	McClanaghan,	Readinger,	Woodring,
Hamilton,	McIntosh,	Reese, R. E.,	Kilroy, Speaker

NAYS—110

Auker,	French,	Lyons,	Serrill,
Baker,	Gates,	Marks,	Shaw.
Bentley,	Gerard,	McClester,	Simons.
Boles,	Gillan,	McDermott,	Sollenberger.
Boney,	Greenwood,	McFall,	Sorg,
Bradley,	Gyger,	McKinney,	Stambaugh.
Breth,	Habbyshaw,	McLane,	Stank,
Bretherick,	Haines,	McMillen,	Tarr
Brunner, C. H.,	Hare,	McSurdy,	Tate.
Burns,	Harkins,	Melchiorre,	Thompson, R. L.,
Burris,	Harmuth,	Mihm,	Trout,
Chervenak,	Heatherington,	Monks,	Turner,
Chudoff,	Helm,	Mooney,	Verona.
Cordier,	Hersch,	Muir,	Vincent,
Corrigan,	Hewitt,	O'Brien,	Vogt,
Croop,	Holland,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dennison,	James,	O'Mullen,	Wagner,
DiGonova,	Jefferson,	Owens,	Watkins,
D'Ortona,	Kenehan,	Pettit,	Weingartner,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Regan,	Welsh, M. J.,
Elder,	Kolankiewicz,	Rhea,	Williams,
Finestone,	Krise,	Rose, W. E.,	Wood, N.,
Finnerty,	Lee T. H.,	Rosenfeld,	Woodside.
Fisher,	Leonard,	Royer,	Wright,
Fiss,	Levdic,	Rush,	Yeakel,
Flynn,	Lichtenwalter,	Scanlon,	Young.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL PASSED OVER

There being no objection House Bill No. 1166, Printer's No. 736, was passed over the request of Mr. SCANLON.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill 305, as follows:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain condi-

tions upon which the appropriation will be available to the school.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 An appropriation is hereby made to the Elwyn Training School of Elwyn in the County of Delaware Commonwealth of Pennsylvania for the maintenance and clothing of six hundred (600) wards of the State at three hundred and ninety dollars (\$390) per capita per annum and the sum of four hundred and sixty-eight thousand dollars (\$468,000) or so much thereof as may be necessary is hereby specifically appropriated to the said institution for the purpose stated to cover the two fiscal years beginning June first one thousand nine hundred and forty-one.

Section 2 The appropriation made by section one of this act is made on the condition that each and every mental defective admitted to the Elwyn Training School after the effective date of this act as a ward of the Commonwealth.

1 Shall be selected by the Department of Welfare from a list submitted from time to time to the department by the board of directors of the school.

2 Shall have been previously investigated by the Department of Revenue for the purpose of determining the extent if any such mental defective or those legally liable for his or her support may be financially able to pay the cost of the maintenance of such person in the school.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	French,	Lyons,	Rosenfeld,
Auker,	Gallagher,	Malloy,	Royer,
Baker,	Gates,	Marks,	Rush,
Balthaser,	Gerard,	Maxwell,	Sarge,
Baughner,	Gillan,	McClanaghan,	Sarrafi,
Bentley,	Gillette,	McClester,	Scanlon,
Bentzel,	Goodwin,	McDermott,	Schwab,
Boles,	Greenwood,	McDowell,	Serrill,
Boney,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Breth,	Habbschaw,	McKinney,	Simons,
Bretherick,	Haberlen,	McLanahan,	Skale,
Brown,	Haines,	McLane,	Snyder,
Brunner, C. H.,	Hall,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Sorg,
Burns,	Hare,	Melchiorre,	Stambaugh,
Burris,	Harkins,	Mihm,	Stank,
Cadwalader,	Harmuth,	Modell,	Stine,
Chervenak,	Harris,	Monks,	Stockham,
Chudoff,	Heatherington,	Mooney,	Tarr,
Cochran,	Helm,	Moran,	Tate,
Cohen, M. M.,	Hering,	Moul,	Taylor,
Cohen, R. E.,	Herman,	Muir,	Thompson, E. F.,
Cook,	Hersch,	Munley,	Thompson, R. L.,
Cordier,	Hewitt,	Nagel,	Trout,
Corrigan,	Hirsch,	Nunemacher,	Turner,
Croop,	Holland,	O'Brien,	Van Allsburg,
Cullen,	Huntley,	O'Connor,	Verona,
Dalrymple,	Imbrie,	O'Dare,	Vincent,
Dennison,	James,	O'Mullen,	Vogt,
DiGenova,	Jefferson,	O'Neill,	Voldow,
Dix,	Jones G. E.,	Owens,	Voorhees,
Dolon,	Jones P. N.,	Petrosky,	Wagner,
D'Ortona,	Keenan,	Pettit,	Watkins,
Duffy,	Kenehan,	Polaski,	Weingartner,
Early,	Kline,	Polen,	Weiss,
Elder,	Knoble,	Powers,	Weish, E. B.,
Elliott,	Kolankiewicz,	Prosen,	Wilkinson,
Ely,	Komorowski,	Rank,	Williams,
Falkenstein,	Krise,	Rausch,	Winner,
Finestone,	Lee, E. A.,	Readinger,	Wolf,
Finnerty,	Lee, T. H.,	Reagan,	Wood, L. H.,
Fisher,	Leisey,	Reese, D. P.,	Wood, N.,
Fis,	Leonard,	Reese, R. E.,	Woodring,
Fleming,	Lesko,	Regan,	Woodside,
Fletcher,	Levy,	Reynolds,	Wright,
	Levidic,	Rhea,	Yeakel,

Flynn,
Floor,

Lichtenwaiter,
Longo,

Riley,
Rooney,
Rose, W. E.,

Yester,
Young,
Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 891, Printer's No. 744, was passed over at the request of the SPEAKER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 849, as follows:

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmasters' certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" sections one and six of which were amended by the act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 865) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that the term "solid fuel" when used in this act shall mean anthracite semi-anthracite bituminous semi-bituminous or lignite coal briquettes boulets coke gas-house coke petroleum coke [petroleum] carbon charcoal or any other natural manufactured or patented fuel not sold by liquid or metered measure

The term "person" when used in this act shall be construed to include any individual partnership unincorporated association or corporation

The term "licensed weighmaster" when used in this act shall include a person licensed to weigh solid fuel by this Commonwealth or by a bordering state issuing such licenses and recognizing licenses and weight certificate issued by such licensees in this Commonwealth

The word "department" when used in this act shall mean the Department of Internal Affairs of the Commonwealth

The word "weighmaster" when used in this act shall mean a weighmaster licensed under this act by the Department of Internal Affairs

Section 2 It shall be unlawful to sell solid fuels ex-

cepting by avoirdupois weight No person shall sell or deliver or start out for delivery less than two thousand (2000) pounds avoirdupois of weight to the ton of any solid fuel or a proper proportion thereof in quantities less than a ton and such solid fuel shall be duly weighed by a licensed weighmaster of the Commonwealth of Pennsylvania on accurate scales [and] suitable for weighing a tare and the gross weight of the vehicle or vehicle and trailer transporting solid fuel located in this state and which has been tested and approved by an official empowered by law to test such scales A tolerance at the rate of thirty (30) pounds to [the ton] two thousand pounds shall be allowed for [unavoidable] wastage and [unavoidable] variation in scales

Section 3 (1) No person upon the sale or purchase of solid fuel shall deliver or cause to be delivered or to be started out for delivery any solid fuel in a lot or lots in amounts of exceeding one hundred (100) pounds without each lot in each separate compartment of any vehicle or vehicle and trailer being weighed separately and accompanied by a [weight] weighmaster's certificate for each lot issued by a licensed weighmaster [on which shall be distinctly expressed] of the Commonwealth of Pennsylvania

(2) Weighmaster's Certificates shall be issued only on forms prescribed and furnished by the department or on forms approved by the department and procured by weighmasters or their employers under the supervision and control of the department and shall be in triplicate All weighmasters certificates shall be serially numbered and the copies thereof shall bear the same serial number as the original Forms of official weighmaster certificates furnished by the department shall be issued to weighmasters or their employers except that in cities of the first class such forms shall be issued to the Bureau of Weights and Measures which shall in turn furnish such forms to weighmasters Such forms shall be furnished by the Department at approximately cost and cities of the first class shall furnish such forms to weighmasters at the price paid to the department In case forms are procured by weighmasters or their employers with the approval and under the supervision and control of the department such forms shall bear the serial number assigned by the department The department shall keep a record of the serial number of all certificates issued to weighmasters and their employers and to cities of the first class and the Bureau of Weights and Measures of said cities shall keep a record of the serial numbers of all certificates issued to weighmasters located within the city

(3) The original copy of a weighmaster's certificate shall be made out in ink typewritten or indelible pencil and the original and each copy thereof shall show

(a) [In pounds] The [weight] kind and size of the solid fuel

(b) The name and address of the seller of the solid fuel

(c) The name and address of the purchaser

(d) The license number of the vehicle [and]

(e) The signature and license number of the licensed weighmaster by whom weighed and who issued the weighmaster's certificate

(f) The date and hour when weighed

(g) The gross weight in avoirdupois pounds of vehicle and load the tare weight and the net weight of the solid fuel and where the load is divided into lots the net weight of each such lot all of which must be determined by the same weighmaster on the same scales and without said vehicle having left the premises where said weights are determined except where reweighing is required by ordinance within the limits of a city borough town or township of the first class in which delivery is made in which case the gross weight of the vehicle and load shall first be determined without dumping and after the delivery of the entire load of solid fuel the vehicle shall immediately return to the same scale for the determination of the tare weight

[In all cases the weight certificate shall be delivered to the purchaser]

(4) The original copy of a weighmaster's certificate shall be delivered to the purchaser of the solid fuel specified in the certificate one copy thereof shall be retained

at the place of weighing and one copy shall be retained by the person delivering the solid fuel Copies of weighmaster's certificates in possession of licensed weighmasters and persons delivering solid fuel shall be retained for a period of two years and shall be subject to inspection by any state county or city inspector of weights and measures during business hours

(5) When solid fuel is sold in lots [of less than] not exceeding one hundred (100) pounds the provisions of this section shall not apply if the solid fuel is delivered in closed containers or closed bags and the net contents of such bag or container expressed in avoirdupois pounds is plainly stamped or printed thereon or upon a tag securely attached thereto

(6) This section shall not apply to the sale of a boatload or railroad carload of solid fuel delivered direct from the boat or car to one purchaser and accepted as to weight by the purchaser on the bill of lading or other voucher issued by the carrier

Section 4 Where any person shall for practical reasons be unable to deliver solid fuel to the purchaser originally designated in the [weight] weighmaster's certificate he may [under specific authority of any licensed weighmaster] substitute the name and address of another purchaser Provided That report of such substitution is made to the licensed weighmaster within twenty-four hours

Section 5 Any state county or city inspector of weights and measures [official of this State or of any local government of this State] who finds any quantity of solid fuel ready for on in process of delivery may inspect the same as to its weight and may direct the person in charge of the delivery of the solid fuel to convey the same to the nearest available [accurate] scales operated by a weighmaster designated by said [official] inspector Such [official] inspector shall thereupon determine the gross weight of the solid fuel and the vehicle on which it is carried and shall direct such person in charge to return to such scales forthwith upon unloading the solid fuel and upon such return the [official] inspector shall determine the weight of the vehicle without load and determine the net weight of the solid fuel delivered No person in charge of a vehicle containing such solid fuel or from which such solid fuel has been unloaded shall fail to take the vehicle upon the direction of the inspector of weights and measures [official] to scales as aforesaid or refuse to permit the solid fuel or vehicle to be weighed by such official

Section 6 (1) No person shall make or issue a [weight] weighmaster's certificate of solid fuel unless licensed by the [Secretary of the] department [of Internal Affairs] [of this Commonwealth] except as otherwise provided in this act Application for such license shall be made upon a form prescribed by [the secretary of] [said] the department and shall [indicate] show the place where the weighmaster shall perform this function and the type and capacity of the scale to be used by the applicant The applicant shall furnish satisfactory evidence that he owns or leases a scale suitable for weighing the tare and gross weight of a vehicle or vehicle and trailer transporting solid fuel or that he is regularly employed by the owner or lessee of such a scale and that he is of good moral character and of ability to weigh accurately and to make correct weight certificates The department may refer any application for a license as a weighmaster to any city or county inspector of weights and measures or report as to the accuracy of the statements made therein the suitability of the scale the moral character of the applicant and such other information as the department may require The applicant shall pay a license fee of five dollars (\$5) to the [secretary of the said] department for remittance to the State Treasurer through the Department of Revenue and the State Treasurer shall return annually two dollars and fifty cents (\$2.50) of each such fee to the county treasurer of the county wherein such scale is located The license shall be for a period [not exceeding three years] of one year from the date of issue A license may be renewed in the discretion of the [secretary] department for successive periods of not exceeding [three years] one year each upon payment of a license fee

of five dollars (\$5) to the [Secretary of the] department [of Internal Affairs] for remittance to the State Treasurer through the Department of Revenue and the State Treasurer shall return annually two dollars and fifty cents (\$2.50) of each such fee to the county treasurer of the county wherein such scale is located. Each license shall be kept conspicuously displayed at the place where the weighmaster is engaged in weighing [and shall be open to inspection]. In the event of the change of any name or address appearing on any application the licensed weighmaster shall notify the department of such change within forty-eight hours.

A license may be suspended or revoked by [the Secretary of] the department [of Internal Affairs] after hearing upon due notice to the licensee for dishonesty incompetency inaccuracy or [for] failure to notify the department of any change of name or address stated in his application and may be revoked by the department without hearing if the licensed weighmaster has been found guilty of any violation of the provisions of this act [and must be revoked by the secretary when] or where the licensed weighmaster has [lost his employment] ceased to be employed at the place of weighing for which the license has been issued.

Upon the revocation of a weighmaster's license the forms of weighmaster's certificates in his possession shall immediately be surrendered to the department.

[Provided however That in any case] (2) Where a license has been suspended or revoked [any person] another licensed weighmaster shall be authorized to substitute at the place for which said suspension or revocation was made [another weighmaster in his employ and duly certified as such under the provisions of this act] for five successive days pending disposition by the [Secretary of Internal Affairs] department of a new application for license of a new applicant as weighmaster at the place for which the license has been suspended or revoked [And provided further That the said new application must be forwarded to the Secretary of Internal Affairs within five days of the substitution of another weighmaster].

(3) In case of the decease absence or inability to act of a licensed weighmaster any [person] the owner of the scales may substitute for such deceased or absent weighmaster another weighmaster in his employ and duly certified as such under the provisions of this act. Provided That immediate notice of such substitution be reported by said [person] owner to the [Secretary of Internal Affairs] department and further provided That any such substituted weighmaster shall not be authorized to continue as weighmaster at the place of substitution for a period in excess of thirty days [unless] without the written consent of the [Secretary of Internal Affairs] department.

Whenever any bordering state requiring licenses and weight certificates for solid fuel recognizes licenses and accepts weight certificates issued by licensees of this Commonwealth such licenses and weight certificates of such state shall be recognized and accepted in this Commonwealth.

Section 7 It shall be unlawful for any weighmaster to issue a false or incorrect [weight] weighmaster's certificate or for any person to solicit him to do so [It shall be unlawful for any person knowingly] or for any person to use or issue any weighmaster's certificate except one prepared on form issued or approved by the department or for any person to print or distribute any forms of weighmaster's certificates unless authorized so to do by the department or to use a false or incorrect [weight] weighmaster's certificate or to use a [weight] weighmaster's certificate not bearing the signature and license number of a licensed weighmaster and the license number of the vehicle [It shall be unlawful] or for any weighmaster knowingly to permit any [weight] weighmaster's certificate to be issued or used which purports to bear his signature and which was not in fact signed by him at the time of weighing or which expresses a gross tare and net weight not ascertained by him [It shall be unlawful] or for any person to deliver solid fuel without

[a weight] an official weighmaster's certificate or to permit any diminution of the load of solid fuel before its delivery to the purchaser or purchasers thereof or except as otherwise provided in this act to fail neglect or refuse to deliver a correct and lawful [weight] weighmaster's certificate to the purchaser of solid fuel whose name and address appears on said weighmaster's certificate or to otherwise directly or indirectly violate any of the provisions of this act.

Whenever the gross weight of a vehicle and load the tare weight and the net weight of solid fuel has been determined in accordance with the provisions of this act and the net weight of the solid fuel shall be determined to be less than that stated in a weighmaster's certificate proof of such determination shall constitute prima facie evidence of the diminution of the load of solid fuel before delivery to the purchaser.

Section 8 Any person violating any of the provisions of this act shall upon summary conviction before a magistrate be sentenced for the first offense to pay a fine of not less than twenty-five (\$25) or more than fifty dollars (\$50) and costs of prosecution and in default of payment thereof shall undergo imprisonment for [not more than] ten days and for the second offense be sentenced to pay a fine of not less than fifty dollars (\$50) or more than one hundred dollars (\$100) and costs of prosecution and in default of payment thereof shall undergo imprisonment for [not more than thirty] twenty days and for the third [and each succeeding] offense shall be sentenced to pay a fine of not less than one hundred dollars (\$100) or more than two hundred dollars (\$200) and costs of prosecution and in default of the payment thereof shall undergo imprisonment for thirty days.

Any person violating any of the provisions of this act for a fourth or subsequent offense shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) or more than three hundred dollars (\$300) or suffer imprisonment for not more than sixty days or both.

In cities of the first class all hearings shall be held before a magistrate who shall hear such purported violations for one month only and thereafter another magistrate shall be assigned to hear such cases until all magistrates of such city have been assigned to such hearings. It is hereby declared to be the legislative intent that there be a rotation of magistrates assigned to such hearings in the same manner as that provided by section eleven of the "Magistrates' Court Act of 1937" approved the fifteenth day of June (P. L. 1743).

Section 8.1 Any state county or city inspector of weights and measures in whose presence a violation of this act has or is being committed shall have power without warrant to arrest the offender and conduct him before an alderman magistrate or justice of the peace of the city or county where the offense was committed and there make information before such officer which shall be disposed of according to law.

Section 8.2 Every city borough town or township of the first class shall have power to require by ordinance that the tare and gross weight of a vehicle or vehicle and trailer transporting solid fuel for delivery within its limits shall be weighed therein and the net weight of the solid fuel determined notwithstanding that such weighing was theretofore done in some other political subdivision and shall have power to impose reasonable fees in connection with such weighing and the keeping of records thereof.

Section 9 The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of the act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 10 In any case where under the provisions of any contract it is provided that solid fuel shall be sold at costs by an employer producers to his employees for their own use and consumption such solid fuel may be sold by cubic contents instead of weight but no solid fuel so sold

shall be transported over the highways of the Commonwealth from the place of production to the residence of the employe unless the operator of the vehicle has in his possession a certificate of origin furnished or approved by the department. Such certificates of origin shall contain such information as may be prescribed by the department and shall be signed by the producer or his agent and a copy of each certificate issued shall be kept at the place of production for at least two years.

On the question,
Shall the bill pass finally?

MOTION TO RECOMMIT

Mr. STANK. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for further study and possible amendment, and I ask for a roll call.

On the question,
Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I rise to oppose this motion. This bill has been carefully considered over a long period of time. There was a very large hearing held in the auditorium in the Educational building at which both sides had a chance to appear and express their opinions. Following that there were a number of caucuses held by the parties concerning this bill.

The bill is a very simple bill. The provisions in it are very just. The amendments to the act are not very great. It does not seem to me when the bill has been on the calendar for quite some time, that the bill should be recommitted. I can conceive of no other purpose in recommending the bill than to kill it by having it held in committee. If that be done a great injustice will be done to the people of Pennsylvania.

Mr. Speaker, I would not generally ask the indulgence of the House. If I cannot be interesting enough for you men to listen to me I think it is my fault and not the fault of the Members of the House. On the other hand, the measure before us is of tremendous importance. The bill, as I have said, has been on the calendar for some time and has been given careful consideration. Amendments have been made meeting the objections of many people and many conferences have been held. The Speaker and myself have sponsored this bill. It is rather unusual for the Speaker to sponsor a bill, but we sponsored this bill because we felt it was of tremendous importance to protect the people of Pennsylvania. If the bill is returned to Committee and pickled an injustice will not only be done, but it seems to me that we are saying to the people in this industry that they can cheat the people of Pennsylvania and that the Legislature of Pennsylvania will do nothing about it. I cannot therefore believe that the Members of the House will recommit this bill and I ask you to vote down the motion.

On the question recurring,
Will the House agree to the motion?

The yeas and nays were required by Mr. STANK and Mr. HARMUTH and were as follows:

YEAS—54

Baker.	Gryskewicz.	Longo.	Reynolds.
Bentley.	Haberlen.	Malloy.	Rush.
Bentzel.	Harkins.	Maxwell.	Sarra.
Boles.	Harmuth.	McDermott.	Stank.
Boney.	Harris.	McFall.	Tarr.
Boorse.	Heatherington.	McLanahan.	Thompson. R. L.
Bradley.	Hirsch.	McLane.	Vincent.
Burns.	Holland.	McSurdy.	Vogt.
Cohen, M. M.,	Jones, P. N.,	Mihm.	Watkins.

Croop.
Cullen.
Dennison.
Flynn.
Gallagher.

Keenan.
Kenehan.
Kline.
Leonard.
Lesko.

Mooney.
Petrosky.
Polaski.
Rausch.
Reese, E. E.

Weiss.
Woodring.
Wright.
Yester.

NAYS—116

Achterman.
Auker.
Balthaser.
Boles.
Bretherick.
Brown.
Brunner, C. H.,
Brunner, P. A.,
Cadwalader.
Chervenak.
Chudoff.
Cohen, R. E.,
Cook.
Cordier.
Corrigan.
Dalrymple.
DiGenova.
Dix.
Dolon.
D'Ortona.
Druffy.
Early.
Elder.
Ely.
Falkenstein.
Finestone.
Finnerty.
Fisher.
Fliss.
Fleming.

Foor.
Gates.
Gillan.
Greenwood.
Gyger.
Habbyslaw.
Haines.
Hall.
Hamilton.
Hare.
Helm.
Hering.
Herman.
Hersch.
Hewitt.
Huntley.
Imbrie.
James.
Jefferson.
Kolankiewicz.
Komorowski.
Krise.
Lee, T. H.,
Leisey.
Levy.
Leydic.
Lichtenwalter.
Lyons.
Marks.
McClanaghan.
McClester.
McKinney.
McMillen.
Melchiorre.
Modell.
Monks.
Moran.
Muir.
Nagel.
Nunemacher.
O'Brien.
O'Connor.
O'Dare.
O'Mullen.
Ovens.
Polen.
Powers.
Prosen.
Readinger.
Reagan.
Reese, D. P.,
Rhea.
Riley.
Rooney.
Rose, W. E.,
Rosenfeld.
Royer.
Sarge.

Scanlon.
Shaffer.
Shaw.
Simons.
Snyder.
Sorg.
Stambaugh.
Stine.
Stockham.
Tate.
Thompson, E. F.,
Trout.
Turner.
Van Allsburg.
Verona.
Voldow.
Voorhees.
Wagner.
Welsh, E. B.,
Wilkinson.
Williams.
Wolf.
Wood, L. H.
Wood, N.,
Woodside.
Yeakel.
Young.
Kilroy.
Speaker.

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,
Shall the bill pass finally?

Mr. LEVY. Mr. Speaker, I hesitate to rise on this measure and I am not going to speak on the merits or demerits of the bill. I only want in passing to remind the Members of a certain editorial that appeared in a Philadelphia newspaper, specifically, the Evening Public Ledger, two days ago. I, as a Member of the House, one Member who is going to vote for this particular bill, wish to protest the actions of a newspaper that advocates the freedom of the press. I do not think it is fitting and I do not think it is proper for a newspaper of this Commonwealth to publish the trash and the unwarranted attacks upon the Legislature that the Evening Public Ledger in Philadelphia published in its editorial a few days ago. I refer specifically to an editorial which was headed, "Honesty or Dishonesty."

This bill has been on the Calendar for many days and I understand this bill has been studied by many of the men in this Chamber and I feel, in fact I know, and I think the sponsors of this measure know, that if there is any opposition to this bill, it comes from men who conscientiously believe the bill does not have any merit.

Mr. Speaker, I am going to vote for House Bill 849, because I feel it is a meritorious measure, but I also believe, especially in this day and age when the very fundamentals of our democracy are being threatened, that at least newspapers of the Commonwealth of Pennsylvania should attempt to keep the bulwark of democracy safe and not publish editorials which threatens democracy within our own gates of Pennsylvania. I say to the Evening Public Ledger without fear of contradiction, that their editorial a few days ago, when they remarked that this bill is not going to be measured by Democrats or Republicans, with which I agree, but they say that we should

draw two columns, one marked "Honest Members" and the other marked "Dishonest Members," and those voting against this bill will be stamped as dishonest Members. I say they are open to condemnation and I say to you, Mr. Speaker, today that I am voting for this bill but I want the newspapers to understand that I am not voting for it because the Evening Public Ledger has threatened to call me dishonest. I am voting for it, because I believe it is a meritorious bill, but I warn the Press of the Commonwealth, if editorials such as these are repeated to the people of Pennsylvania, misleading, vicious and unwarranted attacks on the Members of the Assembly who conscientiously have studied this bill, I say they are performing something which they will regret at a later date.

I say to you, Mr. Speaker, I hesitated to speak on this bill but I want the people in Pennsylvania to know the men who vote "aye" on this bill are voting that way because they feel it is just and good, but the men who do not vote "aye" are neither dishonest nor treacherous to the people they represent; they are voting so because they conscientiously believe the bill is not as meritorious as they would like to have it.

Mr. TURNER. Mr. Speaker, I very rarely during the time I have been in the House have had much quarrel with any Member as to why he votes for or against any legislation. I realize full well each of us has many problems to meet and each of us must meet those problems as we see them from our own district. I am always very sorry and have deep regret for those Members who are subject to the pressure of minority groups. I am always sorry for the Members who are subjected to pressure from any group, which in any way deters or changes or alters the course which he might follow in this House. It seems to me that the Member of the Legislature who is most happy in his job and the Member of the Legislature who gets the most out of his experience in the House is the one who charts his course. First, a study of the legislation, secondly, the information that he has, and thirdly, what he thinks his particular district wants, and then perhaps if there are no other issues in the matter, he may think of some group in his own community who desire some particular piece of legislation. The bill before us today seems to me to rise beyond the question of partisanship, as is evidenced by the sponsorship of this bill; it rises beyond the question as to whether some particular group in our district brings pressure to bear upon us and urges us or argue with us to change our opinions on the bill.

I am certain every Member in this House in the first place is in favor of honest dealing; I am certain in the second place every Member in this House wants to protect those people in his district who may in any way be affected by crooked, or other abuses which disadvantageously affect the people, and in many instances affect their pocketbooks when in many cases they can not stand such a charge upon their pocketbook as is made.

I agreed to sponsor this bill because I think the lowest form of thievery there is in the world is the merchant that cheats his customer. The merchant who buys false scales, or the merchant who buys false containers, the merchant who puts out some kind of product and puts something in it or leaves something out of it that should be there and which the public expects to find there when they buy that product.

Mr. Speaker, it seems to me as I studied this question in

the last six months, the question involved is not only the question of weights and measures, but also the question of the commodities that are sold to the public, which are a direct fraud on the public, in that the merchants do not have the kind of substance or the sort of substance the merchant is saying to the public is contained in that package.

Just to disgress for a moment, may I say that I was in the Department of Agriculture and I saw there a sort of transparent paper-like cellophane, the contents of which were colored yellow, and which supposed to be cheese popcorn. There wasn't any cheese in it. There was some kind of a chemical sprayed over the popcorn in order to give it a similar sort of taste. I am convinced that the shelves of our merchants are filled with many false products of that kind. I am convinced that the people are being gyped in many instances by false scales, false containers and by false weights and measures.

This bill is a very simple bill as it has been amended. In the original form it had several features with which it did not seem to me the merchant who sold coal could possibly get by. There were some features in it, and I was amazed to find that some of the coal dealers who talked to me about it, thought it was a proper measure, but as the bill now stands, it seems to me it makes very little change and it simply says that you must have a licensed weighmaster weigh the coal. It says you must have a form approved by the Department, which form must be numbered.

On that subject, Mr. Speaker, let me pause for a second. I have in my possession a little book used by some of the coal dealers which can be purchased I am told for ten or fifteen cents. Every page of this, although they are blank pages and have not been used as yet,—I am wrong, not every page, but a large majority of the pages, at the beginning have on them a form of seal which has already been stamped in this book. How can you expect the person who is going to receive coal can be sure the amount he receives is the amount that the seller is saying is contained in the truck if you are going to have loose booklets like this which can be purchased any place, and upon which a seal so faintly imprinted that you can only recognize the word "seal," on it.

This act provides these slips shall be numbered; they shall be put out by the Department on forms which have been approved by the Department. Then it goes on to say what these slips shall have upon them.

In addition to that it provides for the licensing of the weighmaster, and how they shall be licensed. It likewise provides for the penalties that shall be imposed if the person does not carry out the provisions of the act. Those are the three principal things.

The gentleman from Philadelphia yesterday asked me to make some amendments to which I agreed. Those are the only changes in the bill from the present law in Pennsylvania. It is simply an act for the protection of the people. I might say that a great part of this protection is for the people who are not able to stand any cheating on their coal slip. They are the people who, to escape the prices which they must pay to the ordinary dealer in their district, are buying coal from the truck because they are told they can buy it for a dollar or two dollars a ton cheaper. They are the people that cannot stand to be

soaked by a shortage of two or three or five hundred pounds on a truck. I cannot see how any dealer, I cannot see how anyone in the coal business, can object to this bill.

If I go to a gasoline station I do not expect the gasoline dealer to just pump out gasoline. I expect it to be measured by a measuring device. If I go to a butcher shop to get a ten pound roast, I want to be able to look at the scales and see what the scales show and be sure I am getting a ten pound roast. But if I go to buy coal, I know it has not been weighed, it is a guess at some mine or some breaker or some coal pile. It is a guess there is a ton on there and that is going to be broken into several parts, it is going to be taken out over the state and hawked around the state and sold to people who are told they are buying it cheaper and then they find it is hundreds of pounds short in weight.

I say to the Members of the House that I did not think it was necessary to speak upon this bill today. I thought it was so obvious that it was unnecessary to speak upon it. In the interest of fair and square dealing, in interest of the people of the Commonwealth, to see that they get correct weight when coal is delivered to them, I felt it would not be necessary to say anything. Therefore I did not expect to make any remarks, but I did not want the very expressive remarks of the gentleman from Philadelphia, Mr. Levy, on an editorial to which he took exception to pass without comment.

Mr Speaker, I want the Members to know these are very slight amendments to which the Members of the House certainly can agree, and to which no dealer who is willing to give to the public honest weight can take exception.

Mr. CULLEN. Mr. Speaker, in line with Mr. Levy's remarks I would like to take exception to the article which was printed in today's paper by Huston McCollough. Mr. McCollough says that, "Cullen ran out on the Speaker, his leader". For the benefit of Mr. McCollough, my leader happens to be over 200,000 people in the twenty-second legislative district in Philadelphia and for his information I wish to state I ran out on nobody.

The Speaker knew my stand all through on this entire question. So, therefore, I would like Mr. McCollough to get his story straight. In fact, the gentleman came to me yesterday and I told the gentleman to go where it was good and warm. Maybe that is why he printed that. That goes double for Mr. McCollough since that is his article. If that is not it, I want the Philadelphia Public Ledger and Mr. McCollough to know I am not particularly interested in what they think; I am representing a district. My district is against this bill. That is all in regard to that.

Mr. Speaker, I would like to interrogate the sponsor of the bill, the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. CULLEN. Mr. Speaker, on page 6, line 16, it is provided, "when solid fuel is sold in lots not exceeding one hundred pounds" does that section put out of business the coal dealer who goes out and picks up a load of coal and sells it by the bucket to these poor unfortunate people who can only afford to buy that much at a time?

Mr. TURNER. I don't think so because there is very little amendment to the present law in that section.

Mr. CULLEN. Mr. Speaker, I am voting on this bill, I am not voting on any other bill.

Mr. TURNER. Mr. Speaker, this bill is an amendment to the present law.

Mr. CULLEN. Mr. Speaker, if the other law is wrong, why should I vote for this one?

Mr. TURNER. Mr. Speaker, I cannot tell the gentleman any other reason.

Mr. CULLEN. Mr. Speaker, what I ask of the gentleman from Delaware is this, does it put this fellow out of business?

The SPEAKER. The gentleman asked permission to interrogate the gentleman from Delaware, and the gentleman from Delaware should be permitted to answer the questions.

Mr. CULLEN. Mr. Speaker, the gentleman referred to another law. I am not interested in another law.

The SPEAKER. Then the gentleman should have waited until the gentleman finished his answer no matter what his answer is. Does the gentleman desire to interrogate the gentleman further?

Mr. CULLEN. I do, Mr. Speaker.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. Mr. Speaker, if the gentleman will give me the courtesy to answer his questions, I will permit myself to be interrogated. If he does not do that, I do not intend to be interrogated.

Mr. CULLEN. Mr. Speaker, my question refers to House Bill 849, page 6, line 16. Does that particular section prevent the small dealers who in a coal wagon sell coal by the bucket, — does that prevent him from selling coal?

Mr. TURNER. I would say no, Mr. Speaker. That question was raised with me about the words "not exceeding one hundred pounds." If I may point out to the gentleman, the act which has been the Weights and Measures Act pertaining to coal is the act which we are amending. Section 5 says this, and this is the amendment: "When solid fuel is sold in lots of less than" which is what the Baldi Act says, "of less than." The amendment says "not exceeding one hundred pounds." The provisions of this section do not apply if the solid fuel is delivered in closed containers or closed bags. The only change that appears in the bill is the change in the words "of less than" to the words "not exceeding".

The other change is in line twenty. The old act said "expressed in pounds" the amendments say "expressed in avoirdupois pounds". I do not think there is any change as far as the small dealer is concerned. That question was raised with me and I went and looked up the bill. I cannot see that that makes any change as far as the small dealer is concerned. Looking it as a matter of construction I like the words "not exceeding" better than "of less than". I cannot see much difference between "of less than" and "not exceeding". If it is of "less than" one hundred pounds, it is less than one hundred pounds. If it is "not exceeding" one hundred pounds, then it does not exceed the amount of one hundred pounds.

Mr. CULLEN. Mr. Speaker, where it says "if the solid fuel is delivered in closed containers or closed bags" I might say that a bucket is not closed.

Mr. TURNER. That is right, Mr. Speaker, but your fault there must be found with the present law. This does not change it and if you kill this bill, that will not change it.

Mr. CULLEN. Mr. Speaker, Mr. Turner admitted the fault is in the present law. It is my conviction that I am not voting on the Baldi Act. I am voting on this bill. It is my conviction if the Baldi Act is faulty, why should I by my vote say it is all right? If that particular section of the act is not enforced then the Bureau of Weights and Measures is to blame. Is the Bureau of Weights and Measures to interpret the law to suit themselves or are they to enforce it as written? As I understand it this section is carried over from another act. It is my conviction the provision in the other act is wrong and for that particular reason I am going to vote against the bill.

Mr. MODELL. Mr. Speaker, I had no intention of arising on this bill, but when my colleague from Philadelphia, representing the same district as I do, the twenty-second legislative district, makes a statement in regard to the desires of the people in that district, I feel in all fairness to myself and the people in that district, that I should also say a word.

I have no objection to the statement Mr. Cullen made with regard to the Evening Public Ledger. I have not been influenced nor impressed by what they have said, but at the same time I have made an effort in the past few days and in the past few weeks, to find out from the people of my district what they think about this bill. I have received perhaps six or seven postal cards, all typed the same, with merely the names and addresses of certain people who were opposed to this bill. However, I have spoken to very many people in the same district who have told me that they were definitely in favor of the bill. I believe that every Member should vote as his conscience dictates, and as the people of his district wish him to vote. I believe the people of my district want me to vote in favor of this bill and I am so voting.

Mr. O'CONNOR. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the gentleman from Delaware if this bill carries a repeal clause?

Mr. TURNER. It does not, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the gentleman if the law as it exists today does not remain the same then.

Mr. TURNER. No, Mr. Speaker, because this is an amendment to the act, it does not have to carry a repeal clause.

Mr. O'CONNOR. Mr. Speaker, does the law as it exists today, continue in existence if there is no repeal clause in the act?

Mr. TURNER. No, Mr. Speaker, not in the construction of the act. The only change that is made in the law is the change made by the amendments in this present bill before you.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the gentleman what happens in our situation in the bituminous coal fields where there are no scales, but where the coal is weighed on the car as it comes out of the mine and goes across the tippie and then is dumped into the truck and delivered to the recipients. Will this law prohibit the business of selling or delivering of coal in that mine?

Mr. TURNER. Mr. Speaker, the gentleman asked these

questions some time ago and my answer to the gentleman is in section 6 on page 6 which says,

"This section shall not apply to the sale of a boat-load or railroad carload of solid fuel delivered direct from the boat or car to one purchaser and accepted as to weight by the purchaser of the bill of lading or other vouchers issued by the carrier".

Mr. O'CONNOR. Mr. Speaker, I agree with that, but that does not cover my situation as I view it. Here the coal comes out of the mine and across the tippie, and a string of cars is weighed, then the coal is dumped from that tippie into the truck which delivers it to my home. As I understand the bill, if it becomes a law, we will be prohibited from continuing that practice back in our mines.

Mr. TURNER. Mr. Speaker, I cannot conceive that the gentleman is correct. In the first place it runs in my mind that I have been advised that there were scales for the purpose of weighing when it became necessary to deliver a truck load or less than a truck load of coal. How else could you ever measure the coal? You say they dump it from a car into a pile and then you buy a ton or so out of that pile.

Mr. O'CONNOR. Out of the truck, Mr. Speaker.

Mr. TURNER. Mr. Speaker, how does the gentleman know whether he has a ton of coal or not?

Mr. O'CONNOR. I know it by the weighmaster's report. Mr. Speaker, the gentleman from Delaware evidently does not understand my question, we are not speaking of a railroad car or of a boat. I am speaking of a little open car that comes out of the mine, goes across the platform and scales on to the tippie and tilts. The coal is dumped into the truck and is delivered to my home without any weighing of the motor truck that carries the coal or without any weighing of the car which was carrying the coal.

Mr. TURNER. Mr. Speaker, under those circumstances, I would say you would have to have your coal weighed; you would have to have a weighmaster's certificate.

Mr. O'CONNOR. Mr. Speaker, that is my understanding of the bill, and I am glad the sponsor of the bill agrees with me. I want to go on record as being heartily in favor of honest weight, but I cannot vote for this bill when he and I agree that the majority of mines in my district can no longer sell coal.

Mr. TURNER. Mr. Speaker, I thought the gentleman was mistaken but some of my colleagues from the soft coal region have called my attention to something which was perfectly obvious. The gentleman says the coal as it comes out of the mines is weighed. All he needs to get is a certificate from the person who weighs the coal as it comes out of the mine. The certificate is given to the truck driver who delivers the coal. There isn't any difficulty about that. It seems to me to be a perfectly proper regulation. It is weighed as it comes out of the mine. The weighmaster at that point weighs the coal and all he needs to do is make out a certificate which he hands to the truck driver. The truck driver at your home gives you a copy of the certificate. I do not think that is placing an unreasonable burden on the people who buy soft coal. I think that is a protection for the people.

Mr. O'CONNOR. Mr. Speaker, I desire to again interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be further interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, I would like to ask the gentleman from Delaware if he now agrees that the matter which he has just described of delivering and weighing coal is the way we do out in Cambria County. I cannot find anything in the bill. If what the gentleman suggests is true that this bill repeals the present law, that would permit us to continue that practice. We want to continue doing as we are doing now.

Mr. TURNER. Mr. Speaker, I did not say it repeals the present law. I said it repealed the present law insofar as the amendments are amendments to that act. They would repeal anything that is amended in that act. There is no change in the law except the change which is set forth here.

Mr. O'CONNOR. Mr. Speaker, I desire to ask the gentleman from Delaware if this law does not specifically state that the vehicle in which the coal is delivered must be weighed.

Mr. TURNER. Yes, Mr. Speaker.

Mr. O'CONNOR. Mr. Speaker, will that not change our practice, because the coal is not delivered to us in the cars in which it comes out of the mine. I would not be opposed to the bill if it would not change the situation which exists in our county.

Mr. TURNER. Mr. Speaker, cannot the trucks be weighed?

Mr. O'CONNOR. Mr. Speaker, we do not do that; we do not have the facilities.

Mr. TURNER. Well, Mr. Speaker, you have to weigh the coal in your car?

Mr. O'CONNOR. Correct, Mr. Speaker.

Mr. TURNER. Well, Mr. Speaker, can't you weigh the trucks?

Mr. O'CONNOR. No, Mr. Speaker, the coal is weighed up in the air before it comes down into the trucks. If this bill does not repeal that provision of the present law then I am for the bill of the gentleman from Delaware, Mr. Turner. If it does, I am against the bill.

Mr. TURNER. Mr. Speaker, if the Baldi Act were to be enforced, you would have to weigh your truck and you would have to weigh your coal. Under the circumstances which you have given to me now you are violating the law under the present act.

Mr. O'CONNOR. That may be, Mr. Speaker, but you are getting honest weight.

Mr. TURNER. Mr. Speaker, how does the gentleman know?

Mr. O'CONNOR. Mr. Speaker, the coal is weighed on the tippie and we get our waybills from the man who weighs it.

Mr. HOLLAND. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, will the gentleman from Delaware advise the House whether or not if the Baldi Act were enforced it will be necessary to have this bill.

Mr. TURNER. Mr. Speaker, my information is that those who are in charge of the enforcement of this law and who have the responsibility for enforcing it, and I am speaking now of the Department of Internal Affairs

and of the Sealers of Weights and Measures in some of our counties, this act will enable them to better enforce the law.

Mr. HOLLAND. Mr. Speaker, is not the power to enforce honest weight now in the Baldi Act?

Mr. TURNER. Yes, Mr. Speaker.

Mr. HOLLAND. Mr. Speaker, is not the difference between the Baldi Act and Bill 849 merely in the copies of slips and in the increased fine?

Mr. TURNER. Mr. Speaker, I would not say merely, I would say as I said in the beginning, there are only three real changes. One of the most vital changes in the Baldi Act which is put in this act is that "slip" question, as I tried to point out here.

There have been many instances where truck drivers have two sets of slips. One of them has the real weight that was in the truck and the other one had another weight. The driver carried them so if he was picked up he would have a slip to give. If he was not picked up then he could deliver to the other slip. The reason this question of slips is in here,—and that is the pinch on the fellows who want to cheat,—is the fact that they have numbers on them and they are on forms which are prescribed. The slips must be made out in triplicate and the numbers must concur. Therefore when he uses a slip that is numbered there cannot be any change in the slip.

Mr. HOLLAND. Mr. Speaker, does the gentleman from Delaware feel it is possible to pass laws to make a dishonest man honest?

Mr. TURNER. No, Mr. Speaker, I have had too much experience for that.

Mr. HOLLAND. Mr. Speaker, I would like to point out to the Members of the House that the failure, especially in the city of Philadelphia to receive honest weights in coal, is the failure of its present administration to administer and enforce the law that is on the statute books.

Mr. TARR. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. TARR. Mr. Speaker, I have been trying for quite some time to get up enough nerve to interrogate the gentleman from Delaware, and now that I have the opportunity, I hope I do not fail—

Mr. TURNER. Mr. Speaker, I must be slipping.

Mr. TARR. Mr. Speaker, I am not interested in the hard coal situation, but I would like to know from the gentleman whether he is familiar with the method of the delivery of house coal in the soft coal region, that is, direct to the homes.

Mr. TURNER. No, Mr. Speaker, I would not say that I am familiar with it.

Mr. TARR. Mr. Speaker, does the gentleman know in the soft coal districts it is difficult to buy coal direct from the mines, and does he realize that the enforcement of the Baldi Act or the new act would mean that those persons who start out from a custom mine would be subject to arrest before they get to a scales?

Mr. TURNER. Mr. Speaker, I do not see it that way. I do not so interpret the law.

Mr. TARR. Mr. Speaker, does the gentleman from Del-

aware understand that there is a scale at every soft coal mine?

Mr. TURNER. No, Mr. Speaker, I understand from the gentleman from Cambria that there is a railroad track scale, but I did not understand that there is a scale at every mine.

Mr. TARR. Mr. Speaker, for the information of the gentlemen from the hard coal regions and the cities, I desire to say we do not have scales at all of our custom mines. We have no scales whatsoever. A great deal of our coal is hauled from the mine to the closest available scale. The scale can be one mile away or it can be ten miles away or there need not be any. I see no reason why a man starting out with a load of coal could not tell the first policeman that stops him that he was going to a scale, or if no one stopped him he could dump his coal. Furthermore I do not think the enforcement of the Baldi Act or the new act would solve the question, because we cannot weigh our coal after it is once in the cellar. All we are asking for is honest weight. I realize and I appreciate what I am saying is not going to change the minds of those persons in whose districts the problem is different, but it is not going to help the soft coal districts in the matter of soft coal for custom use, and I am going to vote against the bill.

Mr. TURNER. Mr. Speaker, I would just like to clear up in the mind of the gentleman from Fayette, Mr. Tarr, the question he raised. He says that a man starts out from the mine and his scale may be ten miles away and therefore he would not have any slip, and then he could deliver that coal. Of course, if he does not have a slip he cannot deliver the coal because the person will not accept it without a slip. When he gets to the scale he will get a slip and then he can deliver it. If he delivers coal without a slip he is violating the law. If he is going to the scale he can get his slip at the scale and then he starts out to make his deliveries. Mr. Speaker, I think this is a tempest in a teapot in a way. I realize that the gentleman from Cambria, Mr. O'Connor, has a situation in reference to weighing on the truck, but it seems to me that a merchant who is selling a commodity ought to have a scale upon which it could be weighed. Certainly it ought not to be by guess-weight. People ought not to be compelled to buy it by guess, they ought to be able to know when they buy a ton of coal they are getting a ton of coal. I would not go into a butcher shop and buy meats without a scale. I would not go into a grocery store and buy sugar except in a container, or potatoes unless I knew it weighed so much. You would not go to your store unless they had a scale or unless the commodity is in a container. The same thing is true with cement or anything else. You would not purchase anything unless you had a chance to see the weight of it. It is a simple problem where those conditions exist to get the weight of the truck, and it is a simple problem to weigh the coal. If these other problems arise it seems to me they could go to the weighmaster and get their slips and make their deliveries.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman, Gerard, Maxwell, Sarge,

Auker,	Gillan,	McClanaghan,	Sarrafi,
Baker,	Greenwood,	McDermott,	Scanlon,
Balthaser,	Gryskewicz,	McFall,	Serrill,
Bentzel,	Gyger,	McIntosh,	Shaffer,
Boles,	Habbyshaw,	McKinney,	Shaw,
Boney,	Haberlen,	McLanahan,	Simons,
Bretherick,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Snyder,
Brunner, P. A.,	Hamilton,	Melchiorre,	Sollenberger,
Burris,	Hare,	Mihm,	Sorg,
Cadwalader,	Harkins,	Modell,	Stambaugh,
Chudoff,	Harris,	Monks,	Stine,
Cohen, M. M.,	Heatherington,	Mooney,	Stockham,
Cohen, R. E.,	Helms,	Moran,	Tate,
Cook,	Hering,	Moul,	Thompson, E. F.,
Cordier,	Herman,	Muir,	Thompson, R. L.,
Corrigan,	Hersch,	Nunemacher,	Trout,
Dalrymple,	Hewitt,	O'Brien,	Turner,
Dannison,	Holland,	O'Dare,	Van Allsburg,
DiGenova,	Imbrie,	O'Mullen,	Verona,
Dix,	James,	O'Neill,	Vincent,
Dolon,	Jefferson,	Petrosky,	Voldow,
D'Ortona,	Jones, G. E.,	Pettit,	Voorhees,
Duffy,	Jones, P. N.,	Polaski,	Wagner,
Early,	Keenan,	Polen,	Wells,
Elder,	Knoble,	Powers,	Welsh, E. B.,
Ely,	Kolankiewicz,	Prosen,	Wilkinson,
Falkenstein,	Komorowski,	Rank,	Williams,
Finestone,	Krise,	Readinger,	Wolf,
Finnerty,	Lee, T. H.,	Reese, D. P.,	Wood, L. H.,
Fisher,	Leisey,	Reese, R. E.,	Wood, N.,
Fliss,	Leonard,	Regan,	Woodring,
Fleming,	Lesko,	Reynolds,	Woodside,
Flynn,	Levy,	Rhea,	Yeakel,
For,	Leydic,	Riley,	Yeater,
French,	Lichtenwalter,	Rooney,	Young,
Gallagher,	Longo,	Rose, W. E.,	Kilroy,
Gates,	Lyons,	Rosenfeld,	Speaker,
	Malloy,	Royer,	

NAYS—21

Bentley,	Harmuth,	Munley,	Stank,
Bower,	Hirsch,	O'Connor,	Tarr,
Bradley,	Kenehan,	Owens,	Vogt,
Burns,	Kline,	Reagan,	Watkins,
Cullen,	McSurdy,	Rush,	Wright,
Elliott,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence

REASONS FOR VOTE

Mr. BENTLEY filed the following reason for his vote:

My vote in opposition to House Bill No. 849 is not to be construed as in opposition to the principle of the Bill which, as I understand it to be, is "honest weight," particularly of coal sold to household consumers.

With this principle of "honest weight" I am, as I believe are all of my brethren in the House, in full accord.

However, as drawn, House Bill No. 849 provides for a license fee of \$5.00 per annum to be paid to the Commonwealth, \$2.50 of which is to be returned to the County Treasurer from the County where paid.

No provision is made for any portion of this license fee to be returned to the several cities of the Commonwealth, although many of these cities maintain Bureaus of Weights and Measures, at considerable expense to their taxpayers. These city operated inspection bureaus render weight inspection services in this field, which are at least comparable to those rendered by the County Bureaus of Weights.

No legitimate reason has been offered as to why counties should receive a part of this license fee in aid of their weight inspection service, but none be given to cities providing such weight inspection.

For this reason I oppose the bill.

Mr. RUSH filed the following reason for his vote:

I am voting "no" on House Bill No. 849, Printer's No. 760 because this bill does not correct the situation on short weight on coal. If the Baldi Act was enforced we would not need this legislation.

MEMBERS CONGRATULATED

The SPEAKER. The Chair has just learned that the gentleman from Berks, Mr. Wolf, was awarded his Master of Arts degree at the University of Pennsylvania yesterday. The Chair congratulates the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Wolf.

Mr. WOLF. I wish to thank you, Mr. Speaker, for your very kind congratulations. I, of course, feel very proud in receiving that degree from a great University which celebrated its two hundredth anniversary last summer.

Some member of the House this morning asked me this question, "Now that you have a master's degree and a master's technique, does that help you to soothe the feminine charms?" In answer to that question I might say all of the things I learned about feminine charms on the campus of the University of Pennsylvania would come under the heading of "extra-curricular activities."

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 667, entitled:

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1385, (Senate Bill No. 507), as follows:

An Act to apportion the State into congressional districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States this State shall be divided into thirty-three districts as follows

The first district shall consist of the first second third fourth fifth sixth twenty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia and will have one Congressman

The second district shall consist of the seventh eighth ninth tenth twenty-fourth twenty-seventh thirtieth thirty-

sixth and forty-fourth wards of the city of Philadelphia and will have one Congressman

The third district shall consist of the eleventh twelfth thirteenth fourteenth sixteenth seventeenth eighteenth nineteenth twentieth twenty-fifth thirty-first thirty-seventh and forty-fifth wards of the city of Philadelphia and will have one Congressman

The fourth district shall consist of the fifteenth twenty-eighth twenty-ninth thirty-second thirty-eighth and forty-seventh wards of the city of Philadelphia and will have one Congressman

The fifth district shall consist of the twenty-third thirty-third thirty-fifth forty-first and forty-third wards of the city of Philadelphia and will have one Congressman

The sixth district shall consist of the thirty-fourth fortieth thirty-sixth and fifty-first wards of the city of Philadelphia and will have one Congressman

The seventh district shall consist of the twenty-first twenty-second forty-second forty-ninth and fiftieth wards of the city of Philadelphia and will have one Congressman

The eighth district shall consist of the county of Delaware

The ninth district shall consist of the counties of Bucks and Montgomery

The tenth district shall consist of the counties of Lancaster and Chester

The eleventh district shall consist of the county of Lackawanna

The twelfth district shall consist of the county of Luzerne

The thirteenth district shall consist of the counties of Schuylkill and Northumberland

The fourteenth district shall consist of the counties of Berks and Lehigh

The fifteenth district shall consist of the counties of Bradford Pike Susquehanna Wayne Columbia Montour Sullivan and Wyoming

The sixteenth district shall consist of the counties of Clinton Lycoming Potter Tioga McKean and Cameron

The seventeenth district shall consist of the counties of Fulton Huntingdon Juniata Mifflin Perry Snyder Bedford and Union

The eighteenth district shall consist of the counties of Cumberland Dauphin and Lebanon

The nineteenth district shall consist of the counties of Warren Mercer Venango Forest Clarion and Elk

The twentieth district shall consist of the counties of Northampton Carbon and Monroe

The twenty-first district shall consist of the counties of Adams York and Franklin

The twenty-second district shall consist of the counties of Clearfield Centre and Blair

The twenty-third district shall consist of the counties of Fayette and Somerset

The twenty-fourth district shall consist of the counties of Greene and Washington

The twenty-fifth district shall consist of the counties of Beaver Butler and Lawrence

The twenty-sixth district shall consist of the counties of Armstrong Indiana Jefferson and Cambria

The twenty-seventh district shall consist of the county of Westmoreland

The twenty-eighth district shall consist of the counties of Crawford and Erie

The twenty-ninth district shall consist of the twenty-first twenty-second twenty-third twenty-fourth twenty-fifth twenty-sixth and twenty-seventh wards of the city of Pittsburgh and all the boroughs and townships lying north of the Ohio and Allegheny Rivers not included in the thirtieth district in the county of Allegheny

The thirtieth district shall consist of all the boroughs and townships lying between the Allegheny and Monongahela Rivers and the boroughs of Springdale Cheswick Brackenridge Tarentum the townships of Harrison Fawn East Deer Frazer and Springdale and the city of McKeesport in the county of Allegheny

The thirty-first district shall consist of the first second third fourth fifth sixth ninth tenth eleventh and fifteenth wards of the city of Pittsburgh in the county of Allegheny

The thirty-second district shall consist of the seventh eighth twelfth thirteenth fourteenth sixteenth seventeenth eighteenth nineteenth twentieth and twenty-eighth wards of the city of Pittsburgh in the county of Allegheny.

The thirty-third district shall consist of the twenty-ninth thirtieth thirty-first and thirty-second wards of the city of Pittsburgh the cities of Clairton and Duquesne and all the boroughs and townships lying south of the Ohio and Monongahela Rivers in the county of Allegheny.

Section 2 The nomination and election of members of the House of Representatives of the United States which the qualified electors of any county or of any part of a county are entitled to elect of themselves unconnected with any other county or district shall be made held and conducted and the return of votes cast at primary and general elections for the nomination and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law.

Section 3 The first election under this act shall be held at the general election in the year one thousand nine hundred and forty-two.

The members of Congress now in office shall continue in such office until the expiration of their respective terms.

Vacancies now existing or happening after the passage of this act and before the commencement of the terms of the members elected at the election of one thousand nine hundred and forty-two shall be filled for the unexpired terms in the manner now provided by law in the particular district or at large as the case may be.

Section 4 The act approved the twenty-seventh day of June one thousand nine hundred and thirty-one (P. L. 1416) entitled "An act to apportion the State into Congressional districts" is hereby repealed.

All other acts and parts of acts inconsistent herewith are hereby repealed.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—115

Achterman,	Finnerty,	Malloy,	Reynolds,
Allmond,	Fleming	Maxwell,	Rhea,
Baker,	Flynn,	McClanaghan,	Rooney,
Baughner,	French,	McFall,	Rose, S.,
Bentley,	Gallagher,	McGrath,	Rose, W. E.,
Bentzel,	Gerard,	McIntosh,	Rosenfeld,
Boles,	Goodwin,	McLanahan,	Rush,
Boney,	Gryskewicz,	McLane,	Sarra,
Bower,	Haberlen,	Melchiorre,	Scanlon,
Bradley,	Hamilton,	Mihm,	Schwab,
Breth,	Harkins,	Modell,	Shaffer,
Bretherick,	Harmuth,	Monks,	Shaw,
Brown,	Harris,	Mooney,	Skale,
Burns,	Heatherington,	Moran,	Stank,
Burris,	Hering,	Moul,	Stine,
Chudoff,	Herman,	Munley,	Tarr,
Cochran,	Hersch,	Nagel,	Tate,
Cohen, M. M.,	Hirsch,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Holland,	O'Brien,	Verona,
Cook,	Jefferson,	O'Connor,	Vincent,
Corrigan,	Jones, P. N.,	O'Mullen,	Vogt,
Croop,	Keenan,	O'Neill,	Voldow,
Cullen,	Kenehan,	Petrosky,	Weiss,
DiGenova,	Kolankiewicz,	Pettit,	Welsh, E. B.,
Dolon,	Komorowski,	Polaski,	Williams,
D'Ortona,	Leonard,	Polen,	Woodring,
Duffy,	Lesko,	Powers,	Wright,
Early,	Levy,	Prosen,	Yester,
Finestone,	Leydic,	Reese, R. E.,	Young,
	Longo,	Regan,	Kilroy,

Speaker

NAYS—59

Auker,	Gates,	McClester,	Stambaugh,
Balthaser,	Greenwood,	McKinney,	Stockham,
Boorse,	Gross,	McSurdy,	Trout,
Brunner, C. H.,	Gyger,	Muir,	Turner,
Brunner, P. A.,	Habbyshaw,	Owens,	Voorhees,

Cadwalader,	Hall,	Rausch,	Wagner,
Chervenak,	Hare,	Readinger,	Watkins,
Cordier,	Hewitt,	Reagan,	Wilkinson,
Dalrymple,	Imbrie,	Reese, D. P.,	Winner,
Dennison,	James,	Royer,	Wolf,
Dix,	Krise,	Serrill,	Wood, L. H.,
Ely,	Lee, T. H.,	Simons,	Wood, N.,
Fisher,	Leisey,	Snyder,	Woodside,
Fiss,	Lichtenwaiter,	Sorg,	Yeakel,
For,	Lyons,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

REASON FOR VOTE

Mr. BRETHERICK filed the following reason for his vote:

While I have voted "Aye" for House Bill No. 1385 (Senate Bill No. 507) known as the Wade Congressional Reapportionment Bill, I most certainly do not approve of the amendments introduced by Representative Achterman and adopted by this House, and especially as such amendments affect Montgomery County.

I have voted "Aye" for the bill because of the great importance of the bill and the realization that it will be referred to a conference committee composed of members of the Senate and the House at which it is hoped the inequities contained in the bill as amended will be remedied.

HOUSE BILL NO. 573 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 573, Printer's No. 708, on page 26 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 573, as follows:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 This act shall be known and may be cited as The General Appropriation Act of one thousand nine hundred forty-one.

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and forty-one and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

I Executive Department

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars (\$36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employees and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Governor his Secretary to Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governor's Conference the sum of three hundred twenty-five thousand five hundred dollars (\$325,500)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars (\$16,000)

For all necessary expenses including postage telegrams telephone toll charges and traveling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges for the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor the sum of ten thousand dollars (\$10,000)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employees for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of one million six hundred twenty-nine thousand seven hundred fifty-nine dollars (\$1,629,759)

For the payment to the State's Fiscal Agent for the custody and safekeeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars (\$1,000)

For the payment of the cost of painting a portrait of Auditor General Warren R. Roberts to be placed in the Auditor General's office in the State Capitol the sum of seven hundred fifty dollars (\$750)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars (\$4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employees for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of nine hundred fourteen thousand dollars (\$914,000)

For the payment of salaries wages or other compensation to employees and for the payment of general expenses necessary for the proper conduct of the Treasury Department's functions relating to payments from the Unemployment Compensation Fund and the Administration Fund the amounts charged against the Administration Fund by the Treasury Department and paid into the General Fund are hereby specifically appropriated to the Treasury Department out of the General Fund

For the payment of the cost of painting a portrait of

State Treasurer F. Clair Ross to be placed in the Treasury Department at the State Capitol the sum of seven hundred fifty dollars (\$750)

For the payment of salaries or other compensation of a secretary and other employees and for the payment of general expenses necessary for the proper conduct of the work of the Board of Finance and Revenue the sum of eighty thousand dollars (\$80,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to Pennsylvania State College the sum of fifty-three thousand dollars (\$53,000)

For the payment of legal fees publication of advertisements cost of engraving and other expenses incurred in the issuing of tax anticipation notes the sum of thirty thousand dollars (\$30,000)

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for service rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the sum of twenty-two thousand five hundred dollars (\$22,500)

For the payment of the expenses of publishing statements of the General Fund and other funds of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes licenses fees or other moneys collected for and paid to the Commonwealth the sum of one thousand dollars (\$1,000)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of two thousand five hundred dollars (\$2,500)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of three hundred thousand dollars (\$300,000)

For refunding transfer inheritance taxes on estates of nonresident decedents paid in error or overpaid the sum of one thousand five hundred dollars (\$1,500)

For refunding moneys paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of two thousand five hundred dollars (\$2,500)

For refunding fees paid for notary public commissions when such commissions have not been issued or if issued have not been received and have been canceled the sum of one thousand five hundred dollars (\$1,500)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of the court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of one hundred thousand dollars (\$100,000)

For the purpose of refunding moneys other than taxes paid into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropriation the sum of five thousand dollars (\$5,000)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital institution for the feeble-minded in part supported by the Commonwealth the sum of twenty-five thousand dollars (\$25,000)

For the purpose of refunding fees paid in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars (\$500)

For the payment of approved claims for refunds of liquor taxes including moneys paid for spirituous and vinous liquor tax stamps the sum of five thousand dollars (\$5,000)

For the purpose of refunding collections by the Department of Public Assistance the sum of two thousand dollars (\$2,000)

For the payment of approval claims for refund of cigarette tax permit fees and cigarette tax stamps the sum of five hundred dollars (\$500)

For refunding liquid fuels tax erroneously paid or overpaid into the General Fund the sum of ten thousand dollars (\$10,000)

For the payment of approved claims for refund of fines collected under the provisions of the Motor Vehicle Code the sum of seven thousand dollars (\$7,000)

For the payment of approved claims for refund of moneys paid into the State Treasury under the provisions of section three hundred twenty-one of the act of June second one thousand nine hundred fifteen (P. L. 736) as reenacted and amended by the act of June fourth one thousand nine hundred thirty-seven (P. L. 1552) which section was held unconstitutional by the Supreme Court the sum of two thousand seven hundred twenty-five dollars (\$2,725)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 211) the sum of five million three hundred seventy-five thousand dollars (\$5,375,000) according to the following schedule

Dates	Requirements Principal	Interest	Total
December 1 1941	\$2,500,000.00	\$140,625.00	\$2,640,625.00
December 1 1942	2,500,000.00	93,750.00	2,593,750.00
June 1 1942		93,750.00	93,750.00
June 1 1943		46,875.00	46,875.00
Total	\$5,000,000.00	\$375,000.00	\$5,375,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (One thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four P. L. page 219) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents (\$7,450,192.50) according to the following schedule

Date of Payment	Requirements Principal	Interest	Total
September 2 1941 . . \$	\$ 487,500.00	\$ 487,500.00
November 1 1941		300,000.00	300,000.00
March 2 1942	1,237,253.21	487,500.00	1,724,753.21
May 1 1942	912,843.04	300,000.00	1,212,843.04
September 1 1942		487,500.00	487,500.00
November 2 1942		300,000.00	300,000.00
March 1, 1943	1,237,253.21	487,500.00	1,724,753.21
May 1 1943	912,843.04	300,000.00	1,212,843.04
Total	\$4,300,192.50	\$3,150,000.00	\$7,450,192.50

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work for testing of animals to prevent spreading of dangerous contagious and infectious diseases for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law and

for the purpose of compensating land owners according to existing law for the loss of cedar trees destroyed by order of the Department of Agriculture to prevent damage to apple orchards by cedar apple rust the sum of one million six hundred sixty thousand dollars (\$1,660,000)

For the payment of the salaries wages or other compensation of employees and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg Laying Contest as provided by the act of May twentieth nineteen hundred thirty-one (P. L. 136) the sum of twenty-three thousand dollars (\$23,000)

For the payment of salaries wages or other compensation of employees for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm Show Building and the grounds surrounding it the sum of fifty thousand dollars (\$50,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock live stock products horticultural products handwork cereals bees and bee products as provided by law Provided That such associations file such reports as may be required by the Secretary of Agriculture the sum of one hundred thousand dollars (\$100,000)

For the payment of indemnities for and payment of expenses of testing animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of three million dollars (\$3,000,000)

For the payment of salaries wages or other compensation of employees and for the payment of all other expenses necessary for carrying out the provisions of the "Soil Conservation Districts Law" the sum of fifty-seven thousand five hundred dollars (\$57,500)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employees and for the payment of general expenses [supplies printing and equipment necessary for the administration and enforcement of the Securities Act the sum of one hundred fifteen thousand dollars (\$115,000)

To the Department of Commerce

For the payment of the salary of the secretary of Commerce the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses advertising supplies printing and equipment necessary for the proper conduct of the work of the department including the work of the department with respect to collecting press information and distributing it to the several administrative departments boards and commissions and to legislative offices and legislative agencies the sum of two hundred thirty thousand dollars (\$230,000) and in addition thereto any amount appropriated to the department out of the Motor License Fund which shall be credited to the appropriation made by this paragraph and shall be available for the purposes herein enumerated

For the payment of salaries wages or other compensation of a secretary and employees for the payment of traveling expenses of members for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Planning Board the sum of one hundred twelve thousand dollars (\$112,000)

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of twenty thousand dollars (\$20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam the Water and Power Resources Board the Geographic Board the State Forest Commission State Parks Commission and Regional State Park Boards

and Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Township Delaware County for maintenance of Emergency Conservation Work Projects for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million fifty thousand dollars (\$1,050,000)

For the payment of expenses incurred for the extinction and control of forest fires the sum of one hundred fifty thousand dollars (\$150,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Washington Crossing Park commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty-four thousand eight hundred forty dollars (\$34,840)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of eighty-three thousand eighty-five dollars (\$83,085)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy-one thousand five hundred fifty-four dollars (\$71,554)

For the supervision maintenance improvement regulation and preservation of State parks the sum of eighty thousand dollars (\$80,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of one thousand eight hundred dollars (\$1,800)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars (\$218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars (\$14,000)

For the payment of the salaries or other compensation of a secretary and such employes including among others captains pilots engineers harbor masters firemen deckhands and cooks as may be necessary for the proper conduct of the work of the Navigation Commission for the Delaware River and its navigable tributaries for the pay-

ment of the costs of repairs maintenance supplies fuel insurance oil and equipment of patrol boats and for the payment of the rent and care of the offices stationery telephone services subscription to Maritime Exchange books charts and general expenses of the commission the sum of sixty thousand dollars (\$60,000)

For the maintenance of a nautical school located at the Port of Philadelphia by the Navigation Commission for the Delaware River and its navigable tributaries as provided by law the sum of ninety thousand dollars (\$90,000) and in addition to said amount all moneys received by the Commonwealth from the Federal Government in accordance with any act of Congress for this purpose shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million nine hundred forty-seven thousand dollars (\$2,947,000) and in addition to said amount all contributions received by the department from private sources for the express use of the department in public health work shall be paid into the General Fund and credited to this appropriation

For the payment of salaries wages or other compensation of members and employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Board of Housing the sum of fifteen thousand four hundred dollars (\$15,400)

For the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvement to land for the purchase of equipment furniture furnishings and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria the Bureau of Tuberculosis Control and Clinics and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of four million seven hundred fifty thousand dollars (\$4,750,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of five hundred twenty-five thousand dollars (\$525,000) and in addition to said amount all income and all monies collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department and shall be credited to the appropriation made by this paragraph

For the payment of liquidating and dissolution expenses of companies taken in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of fifteen thousand dollars (\$15,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for

expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the Board of Property and the Topographic and Geologic Survey and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of six hundred thousand dollars (\$600,000)

For the payment of the cost of repairing restoring and preserving old records in the custody of the department the sum of twenty thousand dollars (\$20,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of three hundred two thousand five hundred dollars (\$302,500)

For the payment of the salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Pennsylvania Public Utility Commission and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capital or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges to the Department of Property and Supplies for the use of automobiles for any such special deputy attorneys general assistant deputy attorneys general or attorneys and for any contingent expenses incident to their work the sum of two hundred seventy-five thousand dollars (\$275,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the Board of Pardons the sum of twenty-nine thousand five hundred dollars (\$29,500)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hundred dollars (\$2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of the members of the Workmen's Compensation Board Workmen's Compensation Referees Pennsylvania Labor Relations Board the members of the Industrial Board a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Compensation Referees Pennsylvania Labor Relations Board and the Industrial Board and for compensation and expenses of wage boards the sum of two million four hundred twenty-five thousand dollars (\$2,425,000)

For the payment from time to time into the Administration Fund in order to provide funds for the payment of salaries wages or other compensation of employes engaged in the administration of the State-Federal Employment Service and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of this service the sum of four hundred sixty-six thousand six hundred dollars (\$466,600) and in addition thereto and subject to the approval of the Federal government contributions under the Wagner-Peyser Act or any other Federal law toward the expense of conducting this service may be paid into the General Fund and credited to this appropriation for transfer and use as aforesaid

For the payment of salaries wages or other compensation of employes engaged in administration of the laws relating to rehabilitation of persons injured in industry and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department with respect to rehabilitation and for the purchase of artificial appliances for and the payment of maintenance cost of physically handicapped persons in training and all other expenses necessary to carry out the provisions of the Rehabilitation Acts the sum of four hundred ninety-six thousand seven hundred fifty dollars (\$496,750) and in addition thereto any contributions from the Federal Government or from any other source for rehabilitation shall be paid into the General Fund and credited to this appropriation

For the payment of the statutory amounts of workmen's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hundred and fifteen its amendments and supplements the sum of five hundred dollars (\$500)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputies adjutant general the Division Commander and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and advisory commissions connected with the department for the making of improvements additions or repairs to existing building roads and utilities on the State Military Reservation and State Arsenal and for the acquisition by purchase or condemnation of additional lands to be used for or in connection with the Military Reservation at Indiantown Gap for the purpose

of placing at the disposal of the Governor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Government as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and enlisted men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion subduing insurrection riot tumult or disorder or the prevention of the same and when such Pennsylvania National Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the protection of property or human life and in the event of all or any portion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volunteers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the equipment and maintenance of a Pennsylvania Reserve Defense Corps in the event of the Pennsylvania National Guard being called into active service of the United States and for the payment of mileage and lawful expenses of commissioners to take the vote of Pennsylvania soldiers in Federal or State service when in the field on active duty for the payment of any and all expenses incident to furnishing men material and equipment to relieve unemployment or drought conditions throughout the State or when a disaster occurs for payment of claims against the Commonwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps as provided by law for the payment of all necessary expenses supplies printing and equipment including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania National Guardsman for distribution to officers and men of the Pennsylvania National Guard in either State or Federal service and the Pennsylvania Reserve Defense Corps the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Property and Supplies for the use of automobiles and other expenses necessary for the maintenance training government discipline and equipment of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps for the payment of claims made by the War Department based upon approved reports of survey covering loss damages or destruction of Federal property for the payment of salaries of members and inspectors of the Armory Board of the State of Pennsylvania for the payment of salaries wages or other compensation of employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million eight hundred eighty-eight thousand dollars (\$1,888,000) Provided however That there is hereby appropriated for the same purposes the full amount of all rentals and all other moneys paid into the State Treasury in connection therewith of armories and receipts from public or private sources in payment of costs and material expenses by the Pennsylvania National Guard and the Pennsylvania Reserve Defense Corps in furnishing relief from disaster and all receipts from the Federal Government or other public or private sources for or in connection with services performed by employees of the Department of Military Affairs or for or in connection with the use of property under the control of said department which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this paragraph The expenditure of such rentals of armories and other moneys received in

connection therewith is hereby authorized for the purchase of furniture furnishings and recreational equipment which may at the discretion of the Armory Board of the State of Pennsylvania be considered essential for the benefit betterment and welfare of the Pennsylvania National Guard or the Pennsylvania Reserve Defense Corps

Provided further that the Department of Military Affairs shall upon the direction of the Governor allocate from this appropriation from time to time such amounts as he shall deem necessary to defray the expenses of the State Council of Defense and this appropriation is hereby appropriated for such purposes

For the payment of salaries wages or other compensation of the superintendent and other employees for the payment of general expenses supplies printing and equipment for improvements to land for repairs alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred two thousand dollars (\$202,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of ninety thousand dollars (\$90,000)

For the payment of salaries postage supplies printing and equipment traveling expenses telephone toll charges telegrams freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred fifty-seven thousand dollars (\$557,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided by law the sum of twelve thousand eight hundred thirty-five dollars (\$12,835)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Property and Supplies the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State printing and binding proposals for any contract work readvertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million eight hundred eighty thousand dollars (\$1,880,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employees necessary for the cleaning and care of officers or other quarters either in the Capitol Building or elsewhere used by the Department of Bank-

ing the Department of Highways and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds or used by the General Assembly the Judicial Department the Department of the Auditor General the Treasury Department the Pennsylvania Game Commission the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Commission or the State Workmen's Insurance Board or for the cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania Motor Police

For the cost of printing and distributing records of the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War as provided by law the sum of seven thousand six hundred dollars (\$7,600)

For the cost of printing and distributing the Capitol News clip sheet and the Pennsylvania State Manual the sum of thirty-five thousand dollars (\$35,000)

For the purchase of fuel water gas steam and electric current and necessary devices for the reception and use of same and for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol buildings the public grounds and buildings connected with the State Capitol the Publications Building the Executive Mansion any buildings lands or structures within the City of Harrisburg donated or devised to the Commonwealth and any buildings or monuments of historical interest located anywhere in the Commonwealth except the Liquor Control Board Office Building in Harrisburg for the payment of rents fuel water gas steam electric current and any necessary alterations for any buildings offices or storage space in the city of Harrisburg required for the accommodation of departments supported from the General Fund which had heretofore been provided entirely with space in the Capitol Buildings the sum of five hundred eighty thousand dollars (\$580,000)

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Pennsylvania Motor Police the Board of Fish Commissioners the Pennsylvania Game Commission the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Commission and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repairs parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of four hundred thousand dollars (\$400,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished

to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the General Assembly in accordance with the law the sum of two hundred fifty thousand dollars (\$250,000)

To the Department of Public Assistance

For the payment of the salary of the Secretary of Public Assistance the sum of twenty thousand dollars (\$20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department the sum of nine hundred thousand dollars (\$900,000)

For the payment of the salaries wages or other compensation of members and employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Employment Board the sum of one hundred thousand dollars (\$100,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and the State Council of Education the sum of six hundred thousand dollars (\$600,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses supplies printing and equipment and for the purchase of books maps charts manuscripts records exchanges pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of two hundred twenty-three thousand dollars (\$223,000)

For the payment of salaries wages or other compensation of a deputy members and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examining boards and advisory committees within the department the sum of five hundred thousand dollars (\$500,000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department

For the payment of salaries wages or other compensation of members and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred eighteen thousand dollars (\$118,000)

For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenance of historical monuments sites buildings and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of one hundred fifty thousand dollars (\$150,000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges

for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of four million dollars (\$4,000,000) and in addition to said amount all income and all moneys collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for the same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the payment of general expenses supplies printing and equipment for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania	(\$180,000)
Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania	(\$380,000)
Thaddeus Stevens Industrial School at Lancaster Pennsylvania	(\$ 95,000)

For the payment of salaries of the county superintendents of public schools as required by law the sum of five hundred eleven thousand one hundred fifty-five dollars (\$511,155)

For the payment of the expenses of county superintendents of public schools as required by law the sum of fifty thousand dollars (\$50,000)

For the payment of the salaries of assistant county superintendents of public schools and supervisors of special education as required by law the sum of seven hundred ten thousand four hundred ten dollars (\$710,410)

For the payment of the expenses of assistant county superintendents of public schools and supervisors of special education as required by law the sum of sixty-seven thousand dollars (\$67,000)

For the payment of salaries of members of county boards of school directors the sum of fifty-two thousand eight hundred dollars (\$52,800)

For reimbursement to school districts for transportation of school children as required by law the sum of six million two hundred twenty-nine thousand five hundred dollars (\$6,229,500)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics distributive occupations public service occupations and other vocational and practical education for the salaries wages and expenses of employes for general expenses of vocational divisions and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of one million five hundred thousand dollars (\$1,500,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children

as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of three hundred twenty-six thousand dollars (\$326,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of sixty-five million three hundred eighty-eight thousand two hundred eighty dollars (\$65,388,280) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable school districts to keep their public schools open

For reimbursing fourth class school districts upon the increase in the salaries of teachers of elementary schools of such districts in accordance with law the sum of three million two hundred thousand dollars (\$3,200,000)

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the Department in accordance with law the sum of one million one hundred fifty thousand dollars (\$1,150,000)

For the payment into the School Employees' Retirement Fund to the credit of the Contingent Reserve Account of the School Employees' Retirement Fund as required by law the sum of two million four hundred fifty thousand dollars (\$2,450,000)

For the payment into the School Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employees' Retirement Fund as required by law the sum of three million five hundred thousand dollars (\$3,500,000)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interest as provided by law the sum of two hundred fifty thousand dollars (\$250,000)

To the Pennsylvania Public Utility Commission

For the payment of the salary of the chairman and members of the commission the sum of one hundred one thousand dollars (\$101,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the commission the sum of one million seven hundred fifty thousand dollars (\$1,750,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars (\$15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars (\$24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses rentals equipment and other expenses incidental to the collection of inheritance and estate taxes and mercantile license taxes supplies printing and equipment necessary for the proper conduct of the work of the department for the payment of cost of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million forty-five thousand dollars (\$3,045,000). Provided however That to the extent to which appropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of salaries of the members of the State Athletic Commission for the payment of salaries wages or other compensation of a secretary and deputies and other employees and for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the State Athletic Commission as approved by the Secretary of Revenue the sum of ninety thousand dollars (\$90,000)

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of five thousand dollars (\$5,000)

For the payment of mileage of appraisers of mercantile and other license taxes the sum of thirty thousand dollars (\$30,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of five thousand dollars (\$5,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of one hundred sixty-two thousand dollars (\$162,000)

For the payment of salaries wages or other compensation of commissioners and other employees and for the payment of printing and other expenses of the department in taking the vote of citizens of the Commonwealth who are in the active Military Service of the United States the sum of one hundred thousand dollars (\$100,000)

For the payment of salaries wages or other compensation of a secretary and other employees and for the payment of general expenses necessary for the proper conduct of the work of the State Employees' Retirement Board the sum of eighty thousand dollars (\$80,000) and in addition to the said amount any monies collected from a public corporation or similar agency in payment of the proportionate share of administering the State Employees' Retirement Fund on behalf of the employees of such public corporation or similar agency whose employees are entitled by law to be members of the State Employees' Retirement System shall be paid into the General Fund and credited to this appropriation

For the payment into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of eight hundred fifty-three thousand seven hundred dollars (\$853,700)

For the payment into the State Employees' Retirement Fund to the credit of the Contingent Reserve Account the sum of six hundred eighty thousand nine hundred dollars (\$680,900)

For the payment into the State Employees' Retirement Fund to cover the additional liability for reserve required by reason of the creation of the Pennsylvania Motor Police Retirement System the sum of fifty thousand dollars (\$50,000)

For the payment of State employees who have retired in accordance with the provisions of the Act of Assembly approved June fourteenth one thousand nine hundred fifteen (P. L. 973) as amended the sum of twenty thousand eight hundred thirty-six dollars (\$20,836)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted by law the sum of one thousand eight hundred fifty dollars (\$1,850)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars (\$30,000)

To the Pennsylvania Motor Police

For the payment of the salaries wages or other compensation and necessary traveling expenses of the Commissioner and Deputy Commissioner of the Pennsylvania Motor Police the members of the Motor Police force and the other employees of the Pennsylvania Motor Police for the purchase of motor equipment for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Motor Police for the payment of the board lodging uniforms arms and equipment of the Pennsylvania Motor Police force and for medical attendance and hospital charges not covered by insurance for members of such force injured in the line of duty for the payment of premiums on policies insuring the Commonwealth against workmen's compensation liability to all employees or dependents of employees of the Pennsylvania Motor Police for the payment of premiums on policies of insurance covering motor vehicles operated by the Pennsylvania Motor Police and surety bonds for employees of the Pennsylvania Motor Police required to furnish such bonds for the operation and maintenance of the Pennsylvania Motor Police Training School including any branches thereof for the payment of traveling expenses and witness fees in the amount of two dollars (\$2) per capita per diem to witnesses testifying for the Commonwealth at hearings in connection with the work of the Pennsylvania Motor Police and for the payment of fees charged by physicians for examining persons suspected of operating motor vehicles while intoxicated whenever such persons are found as a result of such examination not to be intoxicated except that no sum in excess of five dollars (\$5) shall be paid to any physician for any such examination for the maintenance and operation of a radio broadcasting station or stations and for the purpose of installing operating and maintaining a teletype or other inter-communication system linking the central office of the Pennsylvania Motor Police and the offices of the various organized police forces of the political subdivisions of the Commonwealth maintaining night offices and linking such central office with other states using similar systems which cooperate with Pennsylvania in broadcasting police information the sum of one million dollars (\$1,000,000) and any additional sums from time to time transferred from the Motor License Fund and credited to this appropriation in the manner provided by law

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars (\$20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employees for the payment of general expenses supplies printing and equipment necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred ninety-two thousand dollars (\$392,000)

For the payment of salaries wages or other compensation of employees and for the payment of general expenses supplies printing and equipment necessary for the

proper conduct of the work of the State Council for the Blind the sum of fifty-one thousand dollars (\$51,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh the State Penitentiary at Rockview and any other institution hereafter established for the custody of prisoners as may be authorized and approved by the Secretary of Welfare the sum of seven million five hundred thousand dollars (\$7,500,000)

For the payment of salaries wages or other compensation of the Superintendents and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren the Philadelphia State Hospital at Philadelphia the Wernersville State Hospital at Wernersville and any other institution established for the care and treatment of the insane as may be authorized and approved by the Secretary of Welfare the sum of twenty-two million eight hundred fifty thousand dollars (\$22,850,000)

For the payment of salaries wages or other compensation of the superintendents and other employees for the payment of general expenses supplies and printing for repairs alterations and improvements to plant and equipment for improvements to lands for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk the Selinsgrove State Colony for Epileptics at Selinsgrove and any other institution established for the care and treatment of mental defectives and epileptics as authorized and approved by the Secretary of Welfare the sum of three million eight hundred fifty thousand dollars (\$3,850,000)

For the payment of salaries wages or other compensation of the superintendents and other employees for the payment of general expenses supplies and printing for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticoke State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million nine hundred thousand dollars (\$2,900,000)

To the Milk Control Commission

For payment into the Milk Control Fund in the State

Treasury for the purposes for which such fund is appropriated by law the sum of two hundred forty thousand dollars (\$240,000)

II Legislative Department

For the payment of the expenses of the Legislative Department for two years beginning June one one thousand nine hundred and forty-one and also for the expenses of the session and recess of one thousand nine hundred and forty-one not previously provided for the following sums or as much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employees of the legislative session of one thousand nine hundred and forty-three shall only be paid after statement of the amount due the several Senators Members officers and employees shall have been certified to the Auditor General by the President pro tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session if the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employees receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the date fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President pro tempore of the Senate session of one thousand nine hundred and forty-three the sum of one hundred fifty-one thousand dollars (\$151,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and forty-three the sum of eighteen thousand dollars (\$18,000)

For the payment of postage session of one thousand nine hundred and forty-three allowed by law to fifty Senators the sum of seven thousand five hundred dollars (\$7,500)

For the payment of postage session of one thousand nine hundred and forty-three for the chief clerk and assistants the sum of one hundred fifty dollars (\$150)

For the payment of postage session of one thousand nine hundred and forty-three for the Lieutenant Governor the sum of one hundred fifty dollars (\$150)

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and forty-three the sum of four thousand five hundred dollars (\$4,500)

For the payment of the salaries of the officers and employees of the Senate session of one thousand nine hundred and forty-three also for the payment of the session and recess salaries of all officers and employees whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employees of the Senate whose present salaries are provided for in this section the sum of ninety-six thousand dollars (\$96,000) for the two years beginning June first one thousand nine hundred and forty-one

For the payment of the mileage of the officers and employees of the Senate session of one thousand nine hundred and forty-three the sum of two thousand seven hundred dollars (\$2,700)

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and forty-three the sum of eight thousand dollars (\$8,000)

For the payment of the mileage of the returning officers

of the Senate at the beginning of the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the clerk to the President of the Senate for two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of fifteen thousand dollars (\$15,000)

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of twelve thousand dollars (\$12,000)

For the payment of the salary of the assistant clerk of the Senate for the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand eight hundred dollars (\$3,800)

For the payment of the salary of the librarian of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand dollars (\$9,000)

For the payment of the salary of the assistant librarian of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of four thousand two hundred dollars (\$4,200)

For the payment of the salary of the stenographer to the President of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand two hundred forty dollars (\$3,240)

For the payment of the salary of the clerk to the President pro tempore of the Senate for two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand three hundred dollars (\$6,300)

For the payment of the salaries of two watchmen of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the superintendent of the storeroom of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand dollars (\$6,000)

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of nine thousand two hundred fifty-five dollars (\$9,255)

For the payment of the salary of the messenger in the Senate Library for the two years beginning June first one thousand nine hundred and forty-one as provided by law the sum of two thousand four hundred dollars (\$2,400)

For the payment of the salary of the clerks to the majority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

For the payment of the salary of the pages for the ma-

jority and minority floor leaders respectively of the Senate for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

For the payment of contingent expenses of the majority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of contingent expenses of the minority floor leader of the Senate including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate session of one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of the expenses of the Committee on Appropriations of the Senate during the biennium beginning June first one thousand nine hundred and forty-one and ending May thirty-first one thousand nine hundred and forty-three in investigating schools colleges universities penal institutions mental hospitals medical and surgical hospitals home and other institutions and agencies supported in whole or in part by appropriations from the State Treasury in analyzing reports of said institutions and agencies in examining and analyzing requests of the same and of the various departments boards and commissions of the Commonwealth for appropriations and for the necessary clerical assistance and other necessary expenses in connection with the work of said committee in compiling data and information for the use of said committee and the Senate during legislative sessions and during the interim between legislative sessions the sum of ten thousand dollars (\$10,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition for the same Of the sum herein appropriated not more than five thousand dollars (\$5,000) shall be expended prior to the beginning of the regular session of the General Assembly of one thousand nine hundred and forty-three If the term of office of the chairman of Committee on Appropriations shall terminate prior to the regular session of 1943 he shall not later than thirty days after such termination and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and forty-three the sum of seventy-five dollars (\$75) (Act of June fourteenth one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges of the President pro tempore of the Senate during the recess ending the first Tuesday of January one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and forty-two the sum of five thousand dollars (\$5,000) and for six months ending November thirtieth one thousand nine hundred and forty-two the sum of two thousand five hundred dollars (\$2,500)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and forty-two and for the entire period of the session of one thousand nine hundred and forty-three should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render to the Auditor General

accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars (\$2,000) for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of eight thousand dollars (\$8,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

For the payment of the postage labor and incidental expenses in the office of the secretary of the Senate for the year beginning June first one thousand nine hundred and forty-one the sum of three thousand dollars (\$3,000) and for the year beginning June first one thousand nine hundred and forty-two the sum of three thousand dollars (\$3,000)

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred dollars (\$2,800) and for the year beginning June first one thousand nine hundred and forty-two the sum of two thousand eight hundred dollars (\$2,800)

To the Secretary of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years beginning June first one thousand nine hundred and forty-one the sum of one thousand dollars (\$1,000)

To the House of Representatives

For the payment of the salaries of two hundred and eight members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and forty-three the sum of six hundred and twenty-five thousand dollars (\$625,000)

For the payment of the mileage of two hundred and eight members of the House session of one thousand nine hundred and forty-three the sum of eighty-five thousand dollars (\$85,000)

For the payment of postage session of one thousand nine hundred and forty-three allowed by law to two hundred and eight members one hundred fifty dollars (\$150) each the sum of thirty-one thousand two hundred dollars (\$31,200)

For the payment of postage session of one thousand nine hundred and forty-three to the chief clerk and assistants the sum of one hundred fifty dollars (\$150)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and forty-three the sum of ten thousand dollars (\$10,000)

For the payment of salaries of the officers and employees of the House of Representatives session of one thousand nine hundred and forty-three also for the payment of the session and recess salaries of all officers and employees whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employees of the House of Representatives whose present salaries are provided for in this section the sum of one hundred twenty thousand dollars (\$120,000) for the two years beginning June first one thousand nine hundred and forty-one

For the payment of the mileage of the officers and employees of the House of Representatives session of one thousand nine hundred and forty-three the sum of four thousand dollars (\$4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and forty-three the sum of thirteen thousand dollars (\$13,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning

June first one thousand nine hundred and forty-one the sum of twelve thousand dollars (\$12,000)

For the payment of the salary of the Secretary of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of ten thousand dollars (\$10,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the chief stenographer to the chief clerk for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand seventy-five dollars (\$3,075)

For the payment of the salary of the assistant clerk of the House of Representatives for the session of one thousand nine hundred and forty-three the sum of two thousand dollars (\$2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand six hundred dollars (\$3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of six thousand dollars (\$6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand two hundred dollars (\$7,200)

For the payment of the salary of the custodian of the basement of the House of Representatives for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of three thousand six hundred dollars (\$3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of three thousand six hundred dollars (\$3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period beginning June first one thousand nine hundred and forty-one as provided by law the sum of seven thousand nine hundred eight dollars (\$7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period beginning June first one thousand nine hundred and forty-one as provided by law the sum of two thousand four hundred dollars (\$2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the recess ending December first one thousand nine hundred and forty-two the sum of three thousand dollars (\$3,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and forty-three the sum of three thousand dollars (\$3,000)

For the payment of the salary of the stenographer to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand six hundred dollars (\$3,600) or as much thereof as may be necessary

For the payment of the salary of the parliamentarian of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of seven thousand two hundred dollars (\$7,200) or as much thereof as may be necessary

For the payment of the salary of the secretary to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of four thousand eight hundred dollars (\$4,800)

For the payment of the salary of the clerks to the ma-

jority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of nine thousand six hundred dollars (\$9,600)

For the payment of the salary of the pages for the majority and minority floor leaders respectively of the House of Representatives for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand eight hundred eighty dollars (\$2,880)

For the payment of contingent expenses of the majority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of contingent expenses of the minority floor leader of the House of Representatives including clerical stenographic traveling and discretionary charges for the two years beginning June first one thousand nine hundred and forty-one the sum of two thousand five hundred dollars (\$2,500)

For the payment of necessary expenses including extra labor in the office of the chief clerk and library for the year beginning June first one thousand nine hundred and forty-one the sum of twenty-two thousand six hundred dollars (\$22,600) and for the six months beginning June first one thousand nine hundred and forty-two the sum of ten thousand nine hundred dollars (\$10,900)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and forty-two and for the entire period of the session of one thousand nine hundred and forty-three should the same extend beyond May thirty-first to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts. The whole amount thus expended by the chief clerk shall not exceed the sum of twenty thousand dollars (\$20,000)

To the chief clerk of the House for the payment of extra services in connection with the compilation of the history of legislation in the House session of one thousand nine hundred and forty-three the sum of two thousand five hundred dollars (\$2,500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives during the biennium beginning June first one thousand nine hundred and forty-one and ending May thirty-first one thousand nine hundred and forty-three in investigating schools colleges universities penal institutions mental hospitals medical and surgical hospitals homes and others institutions and agencies supported in whole or in part by appropriations from the State Treasury in analyzing reports of said institutions and agencies in examining and analyzing requests of the same and of the various departments boards and commissions of the Commonwealth for appropriations and for the necessary clerical assistance and other necessary expenses in connection with the work of said committee in compiling data and information for the use of said committee and the House of Representatives during legislative sessions and during the interim between legislative sessions the sum of twelve thousand dollars (\$12,000) to be paid on warrant of the Auditor General in favor of the chairman of said committee on the presentation of his requisition for the same of the sum herein appropriated not more than seven thousand five hundred dollars (\$7,500) shall be expended prior to the beginning of the regular session of the General Assembly of nineteen hundred and forty-three. The chairman of the Committee on Appropriations shall not later than thirty days after the termination of his term of office and also within thirty days after the adjournment of any regular or special session file an account with the Auditor General of the committee's expenses since the filing of the prior account

For the payment of the postage labor and express charges and all other expenses in the office of the secretary of the House for the year beginning June first one thousand nine hundred and forty-one the sum of three

thousand five hundred dollars (\$3,500) and for the year beginning June first one thousand nine hundred and forty-two the sum of three thousand five hundred dollars (\$3,500)

For the payment of the expenses incident to issuing certificates of election to Members of the House of Representatives for the session of one thousand nine hundred and forty-three (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars (\$750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incident thereto of Members of the House of Representatives officers of the House of Representatives or State Officials during the two years beginning June first one thousand nine hundred and forty-one the sum of three thousand dollars (\$3,000)

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives the sum of seven hundred fifty dollars (\$750) each for making indices for the journals of each House for the session of one thousand nine hundred and forty-one the sum of one thousand five hundred dollars (\$1,500)

For the work of the Legislative Journal officials after the close of the session of one thousand nine hundred and forty-one of the Legislative Journals also the proof-reading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars (\$4,500)

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and forty-three the sum of one thousand five hundred dollars (\$1,500) in accordance with the act establishing said journals

Legislative Miscellaneous

For the payment of wages and other compensation of employes for the payment of expenses of members in attending conferences when designated by the Governor the President pro tempore of the Senate or the Speaker of the House of Representatives and for the payment of the general expenses necessary for the proper conduct of the work of the Commission on Interstate Cooperation the sum of five thousand dollars (\$5,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman shall file an accounting of said expenses with the Auditor General

For the payment of wages and other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Interstate Commission on the Delaware River Basin created by the Commission on Interstate Cooperation the sum of twenty-five thousand dollars (\$25,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same. The chairman of said commission shall file an accounting of said expenses with the Auditor General

For the payment of traveling and other expenses of the members of the General Assembly of Pennsylvania appointed by the President pro tempore of the Senate and the Speaker of the House in attending the meetings of the American Legislators' Association and the Council of State Governments the sum of two thousand five hundred dollars (\$2,500) to be paid on warrants of the Auditor General in favor of the President pro tempore of the Senate or the Speaker of the House of Representatives on presentation of his requisition for the same. The Presi-

dent pro tempore or the speaker shall file an accounting of said expenses with the Auditor General

For the support of the Council of State Governments and the Interstate Legislative Reference Bureau established by it to co-ordinate the work of the various State Legislative Reference Bureaus and other official agencies dealing with legislative matters the sum of ten thousand dollars (\$10,000) One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly installments on requisition drawn by the Auditor General Warrants for such payments shall be drawn to the order of the Executive Director of the Council of State Governments who shall file an accounting of said expenses with the Auditor General

For the payment of premiums on surety bonds for Chairmen and officers of the Senate and House of Representatives to be paid by Chief Clerks of each House for the two years beginning June first one thousand nine hundred forty-one the sum of six hundred dollars (\$600)

For the support of the Interstate Commission on Crime the sum of three thousand dollars (\$3,000) One-half of said appropriation shall be paid during each fiscal year of the biennium in equal quarterly installments on requisition drawn by the Auditor General

To the Joint State Government Commission

For the payment of wages and other compensation of the employes and for the payment of general expenses necessary for the proper conduct of the work of the Joint State Government Commission the sum of one hundred and fifty thousand dollars (\$50,000) to be paid on warrants of the Auditor General in favor of the chairman of said commission on the presentation of his requisition for the same The chairman shall file an accounting of said expenses with the Auditor General

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwomen regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and forty-one and for the session of the General Assembly of one thousand nine hundred and forty-three and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of ninety-four thousand dollars (\$94,000)

III Judicial Department

For the payment of the salaries of the judges of the Supreme Court and Superior Court the salaries and mileage of the president and other law judges of the several courts of common pleas in the Commonwealth and the judges of the several orphans' courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sums or as much thereof as may be necessary for the two fiscal years beginning June first one thousand nine hundred and forty-one payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from the first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand dollars (\$274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars (\$56,000)

For the payment of salaries wages and other compensation of a deputy prothonotary and other employes in the office of the Prothonotary of the Supreme Court for the eastern district and employes in the library of the Supreme Court at Philadelphia for the purchase of stationery supplies and the payment of the necessary expenses of the Supreme Court for the eastern district thereof for the purchase of books and necessary expenses of the library of the Supreme Court at Philadelphia the sum of sixty-five thousand two hundred dollars (\$65,200)

For the payment of salaries wages and other compensation of a deputy prothonotary and other employes in the office of the Prothonotary of the Supreme Court for the western district thereof for the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of thirty thousand seven hundred dollars (\$30,700)

For the payment of salaries wages and other compensation of the Prothonotary and other employes in the office of the Prothonotary of the Supreme Court for the middle district and for the payment of expenses for the Supreme Court in the middle district and the Superior Court of Harrisburg the sum of eleven thousand one hundred dollars (\$11,100)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and law secretary of the Chief Justice of the eastern middle and western districts and for premiums for workmen's compensation insurance covering all employes of the Supreme Court the sum of seventy-one thousand four hundred and ninety-six dollars (\$71,496) Provided That the crier for the middle district shall receive no other compensation from the State

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated February nineteen one thousand nine hundred and nineteen the sum of four thousand five hundred dollars (\$4,500) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of expenses of Board of Governance of the Pennsylvania Bar the sum of ten thousand dollars (\$10,000)

For the payment of the expenses of the Procedural Rules Committee appointed by the Supreme Court to assist it in the preparation revision promulgation publication and administration of general rules of practice for the courts of this Commonwealth the sum of twenty-five dollars (\$25,000)

For the payment of the cost of painting a portrait of Chief Justice William I Schaffer the sum of seven hundred and fifty dollars (\$750)

In the case of necessary expenses stationery supplies and books for the eastern western and middle districts herein provided for the same shall be paid on warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the Prothonotary of the said Supreme Court for the particular district thereof

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars (\$253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judge of said court for expenses incurred in the discharge of

their duties the sum of forty-nine thousand dollars (\$49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior and for premiums for workmen's compensation insurance covering all employees of the Superior Court the sum of sixty thousand dollars (\$60,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court of its officers the sum of twelve thousand dollars (\$12,000) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of three million forty-four thousand dollars (\$3,044,000)

For the payment of the compensation carfare and expenses of Judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars (\$100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars (\$5,000)

For the payment of the judges of the courts of common pleas of Dauphin County for clerk hire in accordance with the law and for premiums for workmen's compensation insurance covering such clerks the sum of nineteen thousand two hundred dollars (\$19,200)

Orphans' Courts

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate orphans' court have been established by law the sum of six hundred eighteen thousand dollars (\$618,000)

Municipal Court of Philadelphia

For the payment of the salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of two hundred twenty-one thousand dollars (\$221,000)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars (\$121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars (\$20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior common pleas and orphans courts who may resign or retire in accordance with the provision of the act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (P. L. 461) the sum of one hundred thousand dollars (\$100,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars (\$50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and forty-one the sum of seven thousand dollars (\$7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars (\$10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars (\$6,000)

For the payment of stationery clerk hire and assistants the sum of fourteen thousand dollars (\$14,000)

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at

this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with sections 604 605 and 606 of The Administrative Code

Section 5 The term "employees" as used in this act shall include all directors superintendents bureau or division chiefs assistant directors assistant superintendents assistant chiefs experts scientists engineer surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistants in any department board and commission

Section 6 The term "general expenses" shall include all printing binding and stationery food and forage materials and supplies traveling expenses motor vehicles supplies and repairs freight express and cartage postage telephone and telegraph rentals and toll charges newspapers advertising and notices fuel light heat power and water contracted repairs rent of real estate and equipment premiums on workmen's compensation insurance premium on policies of liability insurance covering the operation of permanently assigned automobiles premiums on surety bonds the purchase of equipment and machinery other than passenger motor vehicles and all other incidental costs and expenses including payment to the Department of Property and Supplies of mileage charges for the use of automobiles and of expenses or costs of services incurred through the Purchasing Fund

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. WOODSIDE. Mr. Speaker, this is the general appropriation bill which was introduced by me on behalf of the administration. It carries out the items as they were contained in the budget. Since that time there have been amendments made by the Committee on Appropriations. With some of those amendments we on this side are in accord, with other amendments I think we on this side are not in full accord. However, since the general appropriations bill must be passed and since it has almost without exception in the past been put in the hands of a Conference Committee, we propose to vote for the bill in its present form, although there are some changes in the bill with which we are not in full accord.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achtérman	Gallagher,	Marks,	Royer,
Auker,	Gates,	Maxwell,	Rush,
Baker,	Gerard,	McClanaghan	Sarge,
Balthaser,	Gillan,	McClester,	Sarraf,
Baughner,	Gillette,	McDermott,	Scanlon,
Bentley,	Goodwin,	McDowell,	Schwab,
Bentzel,	Greenwood,	McFall,	Serrilli,
Boles,	Gross,	McGrath,	Shaffer,
Boney,	Gryskewicz,	McIntosh,	Shaw,
Bower,	Gyger,	McKinney,	Shepard,
Bradley,	Habbyshaw	McLanahan	Simons,
Breth,	Haberlen,	McLane,	Skale,
Bretherick	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,

Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank,
Burriss,	Harmuth,	Monks,	Stine,
Cadwalader,	Harris,	Mooney,	Stockham,
Chervenak,	Heatherington,	Moran,	Tarr,
Chudoff,	Helm,	Moul,	Tate,
Cochran,	Hering,	Muir,	Taylor,
Cohen, M. M.,	Herman,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, R. L.,
Cook,	Hewitt,	Nunemacher,	Trout,
Cordier,	Hirsch,	O'Brien,	Turner,
Corrigan,	Holland,	O'Connor,	Van Allsburg,
Croop,	Huntley,	O'Dare,	Verona,
Cullen,	Imbrie,	O'Mullen,	Vincent,
Dalrymple,	James,	O'Neill,	Vogt,
Dennison,	Jefferson,	Owens,	Voldow,
DiGenova,	Jones, G. E.,	Petrosky,	Voorhees,
Dix,	Jones, P. N.,	Pettit,	Wagner,
Dolon,	Keenan,	Polaski,	Watkins,
D'Ortona,	Keenehan,	Polen,	Weingartner,
Duffy,	Kline,	Powers,	Weiss,
Early,	Knoble,	Prosen,	Welsh, E. B.,
Elder,	Kolankiewicz,	Rank,	Wilkinson,
Elliot,	Komorowski,	Rausch,	Williams,
Ely,	Krise,	Readinger,	Winner,
Falkenstein,	Lee, E. A.,	Reagan,	Wolf,
Finestone,	Lee, T. R.,	Reese, D. P.,	Wood, L. H.,
Finnerty,	Lelsey,	Reese, R. E.,	Wood, N.,
Fisher,	Leonard,	Regan,	Woodring,
Fiss,	Lesko,	Reynolds,	Woodside,
Fleming,	Levy,	Rhea,	Wright,
Fletcher,	Leydic,	Riley,	Yeakel,
Flynn,	Lichtenwalter,	Rooney,	Yester,
Foor,	Longo,	Rose, W. E.,	Young,
French,	Lyons,	Rosenfeld,	Kilroy,
	Malloy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 107.

An Act to amend section eleven of the act, approved the twenty-seventh day of April 1927 (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 1, line 9, by inserting after the word "that" the words "certain of"; also in line 10, by striking out at the end of said line the word "shall" and inserting in lieu thereof the word "may."

Amend Section 1, page 4, line 3, by striking out after the word "Highways" the word "shall" and inserting in lieu thereof the word "may."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Gallagher,	Marks,	Rush,
Auker,	Gates,	Maxwell,	Sarge,
Baker,	Gerard,	McClanaghan,	Sarra,
Balthaser,	Gillan,	McClester,	Scanlon,
Baughner,	Gillette,	McDermott,	Schwab,
Bentley,	Goodwin,	McDowell,	Serrill,
Bentzel,	Greenwood,	McFall,	Shaffer,
Boles,	Gross,	McGrath,	Shaw,
Boney,	Gyger,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Haberlen,	McLane,	Snyder,
Bretherick,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Harkins,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Keenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Wilkinson,
Elder,	Kolankiewicz,	Rank,	Williams,
Elliot,	Komorowski,	Rausch,	Winner,
Ely,	Krise,	Readinger,	Wolf,
Falkenstein,	Lee, E. A.,	Reagan,	Wood, L. H.,
Finestone,	Lee, T. H.,	Reese, D. P.,	Wood, N.,
Finnerty,	Lelsey,	Reese, R. E.,	Woodring,
Fisher,	Leonard,	Regan,	Woodside,
Fiss,	Lesko,	Reynolds,	Wright,
Fleming,	Levy,	Rhea,	Yeakel,
Fletcher,	Leydic,	Riley,	Yester,
Flynn,	Lichtenwalter,	Rooney,	Young,
Foor,	Longo,	Rose, W. E.,	Kilroy,
French,	Lyons,	Rosenfeld,	Speaker.
	Malloy,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 897.

An Act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns, and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town, and townships of the first class, defining the duties of such civil service commission; imposing certain duties and expense on boroughs; incorporated towns, and townships of the first class; imposing penalties; and repealing inconsistent laws.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 9, page 6, line 5, by inserting after the word "commission" the following: "If any person shall refuse or neglect to obey any subpoena issued by the Commission he shall be guilty of a violation of this act and upon conviction thereof shall be subject to a fine not to exceed one hundred dollars (\$100.00) or imprisonment not to exceed thirty days." A

Amend Section 14, page 9, line 6, by inserting after the word "employment" the words "except that of Chief of Police or equivalent official"; also in line 28, by inserting after the word "follows" the following: "In the case of a vacancy in the office of Chief of Police or equivalent official the appointive power may nominate a person to the Commission. It shall thereupon become the duty of the Commission to subject such person to a noncompetitive examination and if such person shall be certified by the Commission as qualified he may then be appointed to such position and thereafter shall be subject to all of the provisions of this act."

On the question,

Will the House concur in the amendments made by the Senate?

Amend Section 17, page 10, line 27, by striking out after the word "vacancy" the words "until a selection and appointment can be made after competitive examination in the manner prescribed in this act. No such provisional appointment shall continue for a longer period than three months nor shall a successive provisional appointment be made to the same position," and inserting in lieu thereof as follows: "It shall thereupon become the duty of the Commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the Commission."

Amend Section 21, page 14, line 15, by striking out after the word "and" the word "no" and inserting in lieu thereof the word "such"; also by inserting after the word "testimony" the words "as the person sought to be suspended removed or reduced in rank may desire to offer in evidence."

Amend Section 22, page 14, line 26, by inserting after the word "municipalities" the following: "including the Chief of Police or equivalent official."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Gallagher,	Marks,	Rush,
Auker,	Gates,	Maxwell,	Sarge,
Baker,	Gerard,	McClanaghan,	Sarra,
Balthaser,	Gillan,	McClester,	Scanlon,
Baughner,	Gillette,	McDermott,	Schwab,
Bentley,	Goodwin,	McDowell,	Serrill,
Bentzel,	Greenwood,	McFall,	Shaffer,
Boles,	Gross,	McGrath,	Shaw,
Boney,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,
Breth,	Harberlen,	McLane,	Snyder,
Bretherick,	Haines,	McMillen,	Solienberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Larmuth,	Monks,	Storcham,
Cadwalader,	Heatherington,	Mooney,	Tarr,
Chervenak,	Helm,	Moran,	Tate,
Chudoff,	Hering,	Moul,	Taylor,
Cochran,		Muir,	Thompson, E. F.,

Cohen, M. M.	Herman,	Munley,	Thompson, R. L.
Cohen, R. E.	Hersch,	Nagel,	Trou,
Cook,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dairymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
Digerova,	Jones, G. E.	Petrosky,	Wagner,
Dix,	Jones, P. N.	Pettit,	Watkins,
Dolon,	Keenan,	Polaski,	Weingartner,
D'Ortona,	Kenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Wilkinson,
Elder,	Kolankiewicz,	Rank,	Williams,
Elliot,	Komorowski,	Rausch,	Winnner,
Ely,	Krise,	Readinger,	Wolf,
Falkenstein,	Lee, E. A.,	Reagan,	Wood, L. H.,
Finestone,	Lee, T. H.	Reese, D. P.,	Wood, N.,
Finnerty,	Leisey,	Reese, R. E.,	Woodring,
Fisher,	Leonard,	Regan,	Woodside,
Fliss,	Lesko,	Reynolds,	Wright,
Fleming,	Levy,	Rhea,	Yeakel,
Fletcher,	Leydic,	Riley,	Yester,
Flynn,	Lichtenwalter,	Rooney,	Young,
For,	Longo,	Rose, W. E.,	Kilroy,
French,	Lyons,	Rosenfeld,	Speaker,
	Malloy,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered. That the Clerk inform the Senate accordingly.

HOUSE RESOLUTION NO. 87 COMMITTEE APPOINTED

The SPEAKER. In accordance with the provisions of House Resolution No. 87, Printer's No. 442, adopted by the House May 14th, the Chair appoints the following Select Committee: Messrs. McIntosh, Chairman, Regan, Tate, Sarge and Stambaugh.

CONGRATULATORY RESOLUTION

Messrs. BAKER, HOLLAND AND FINESTONE offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 28, 1941.

Whereas, The passage of the years leaves with us many happy memories, and, among such treasured thoughts, are those of the good friends we have made and the experiences we have enjoyed in common; and

Whereas, The most happy memory allotted to any single individual, is the love, honor and respect of a devoted wife; and

Whereas, May 22, 1941 marked the 41st wedding anniversary of the Honorable Louis Leonard, a member of this House, whose life stands as a model to those of the younger members of this august body to follow; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Louis Leonard and his wife on the successful completion of forty-one years of martial happiness; and be it further

Resolved, That the Chief Clerk of the House of Representatives mail a copy of this resolution to the happy couple, conveying thereby the best wishes of the House for many more prosperous and happy anniversaries.

The SPEAKER. The Chair congratulates the gentleman from Allegheny, Mr. Leonard.

The Chair recognizes the gentleman from Allegheny, Mr. Leonard.

Mr. LEONARD. Mr. Speaker and members of the House, I want especially to thank the gentleman from Philadelphia Mr. Finestone and the two gentleman from Allegheny, Mr. Baker, and Mr. Holland, for extending this recognition to me and my family. I want on behalf of Mrs. Leonard, our nine children our eleven grand-children, four sons-in-law, and three daughters-in-law, to extend our sincere thanks to the entire Assembly, the Republicans and Democrats alike. It has been a wonderful union.

RESOLUTIONS

NATIONAL DEFENSE

Messrs. MALLOY and SCHWAB offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, May 28, 1941.

Whereas, President Franklin Delano Roosevelt in his epoch making speech last evening presented a complete factual report of the imminent danger to our American democracy; and

Whereas, At the conclusion of his speech he stated he was proclaiming an unlimited emergency; and

Whereas, In his emergency proclamation he states "I call upon loyal State and local leaders and officials to co-operate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions"; and

Whereas, The General Assembly of the Commonwealth of Pennsylvania is dedicated to the proposition that democracies shall not perish from the face of this earth; and

Whereas, The General Assembly of the Commonwealth of Pennsylvania has by its legislative action taken steps to carry out the national defense program of the President of the United States; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania calls also upon all State and local leaders and officials to cooperate with the President's civilian defense agencies so that this Nation may present a united front against all subversive forces and utilize to the last ounce the great resources of this Commonwealth in order to make our Nation thoroughly secure from attacks both within and without.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL NO. 401 FROM THE GOVERNOR

Mr. O'NEILL offered the following resolution which was read, considered and adopted:

In the House of Representatives, May 28, 1941.

Resolved (if the Senate concur), that House Bill No. 401, Printer's No. 564, entitled "An act to further amend section five hundred eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieu-

tenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' appropriating to the Department of Military Affairs the proceeds of the sale of certain products to be expended for the Indiantown Gap Military Reservation," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. PETROSKY, from the Committee on Workmens Compensation, reported as committed, House Bill No. 997, entitled:

An Act to amend subsection (e) of section three hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by allowing common law actions in certain cases.

Mr. MARKS, from the Committee on Highways, reported as committed House Bill No. 1529, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594), entitled "An act establishing certain township roads as state highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

Mr. HARKINS, from the Committee on Education, reported as committed, House Bill No. 1509, entitled:

An Act providing for increase in salaries of all teachers, school secretaries, nurses, attendance officers and all other regular employes of school districts of the first class.

Mr. HARKINS, from the Committee on Ways and Means, reported as committed, House Bill No. 1709, entitled:

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien

of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in the Commonwealth.

Mr. GRYSKEWICZ from the Committee on Highways, reported as committed, House Bill No. 1530, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna between a point in or near the borough of Blakely, Lackawanna County, and a point in or near the borough of Olyphant in Lackawanna County to provide the necessary approaches thereto; and making an appropriation.

Mr. HERING, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 991, entitled:

An Act to add section 435 to the act approved June second, one thousand nine hundred fifteen (P. L. 736), entitled, "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," providing that hospitals, institutions, physicians, surgeons and others furnishing medical, dental or nursing services, hospital treatment, artificial appliances, medicines and supplies for which the employer is liable, shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings.

Mr. LEONARD, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1638, entitled:

An Act to repeal subdivision (d) of article six containing sections 651 652 653 654 and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations and reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

Mr. FISS, from the Committee on Highways, reported as committed, House Bill No. 1542, entitled:

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing a route in the County of Somerset.

Mr. BOWER, from the Committee on Insurance, reported as committed, House Bill No. 898, entitled:

An Act to amend section four hundred and eighteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by allowing certain exemptions to be waived in favor of labor unions.

Mr. RUSH, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1640, entitled:

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762) entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employees of the board.

Mr. MARSHALL M. COHEN, from the Committee on Workmen's Compensation, reported as committed, House Bill No. 1639, entitled:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Funds shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain section and subsections.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 1203, entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 510.

An Act to amend section five of the act approved the second day of July one thousand nine hundred thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or

selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested:

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 23, by striking out after the word "in" the word "five" and inserting in lieu thereof the word "four"; also on page 3, line 8, by inserting a light faced bracket after the word "or" and striking out the light faced bracket after the word "municipal" and inserting in lieu thereof the word "primary".

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NOW CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to consolidate revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

BILLS ON THIRD READING

Mr. READINGER asked and obtained unanimous con-

sent to call up out of order for the purpose of amendment the following bills: House Bill No. 1493, Printer's No. 670; House Bill No. 1494, Printer's No. 695, on page 28 of today's calendar and House Bill No. 1495, Printer's No. 671, on page 29 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1493, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" by providing for the payment in to the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 2), page 3, line 23, by striking out the following: "\$2,000" and inserting in lieu thereof: "(\$2,000.00)"; amend Sec. 1 (Sec. 2), page 3, line 24, by striking out the word "of" and inserting in lieu thereof: "or"; amend Sec. 1 (Sec. 2), page 4, line 14, by striking out the following: "\$2,000" and inserting in lieu thereof: "(\$2,000.00)".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1494, entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses

and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 4, page 5, line 28, by inserting after the word "which" the following: "this".

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1495, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2433) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

On the question,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 6, by striking out the figures "2433" and inserting in lieu thereof: "2423"; amend Sec. 2, page 4, line 18, by striking out the word "employment" and inserting in lieu thereof: "employments"; amend Sec. 2, page 4, line 25, by striking out the word "to" and inserting in lieu thereof: "or".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 897.

An Act providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Printing, Thursday, May 29, at 9:30 a. m. in Room 325.
State Government, Thursday, May 29, at 9:30 a. m. in Room 323.

Townships, Thursday, May 29, at 9 a. m. in Room 329.

PUBLIC HEARING

A Joint Public Hearing with the Senate on House Bill No. 942 will be held Tuesday, June 3, 1941, at 10 a. m., E. S. T. Place to be announced later.

ANNOUNCEMENT

The Pennsylvania Legislature Kiwanis Club is sponsoring a trip to the Huntsdale Fish Hatchery on Tuesday morning, June 3, at 9 a. m., Daylight Saving Time. The trip will take about three hours, and the group will be in charge of Charles French, Fish Commissioner. All members of the House are invited to take this trip. If you can go along please notify either the Honorable Samuel Dennison of Jefferson County or the Honorable Roy Haberlen of Westmoreland County.

This is the newest and largest fish hatchery in the State, and it will be well worth the time which it takes to make the trip.

ADJOURNMENT

Mr. MODELL. Mr. Speaker, I move that this House do now adjourn until Thursday, May 29, 1941, at 10 a. m.

The motion was agreed to, and (at 4:17 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, MAY 29, 1941.

No. 62.

SENATE

THURSDAY, May 29, 1941.

The Senate met at 12 o'clock, noon, E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain, the Senator from Berks, Dr. RUTH, offered the prayer.

Our dear Heavenly Father, we come to Thee today, thanking Thee for the opportunity and privilege of serving our fellow men, and as our nation in grateful memory turns back in thought to those who served us in the past, so may we too here in the Senate in grateful memory look back unto those great men of the past who served here, who gave the best they had for their state, and may Thou in Thy Holy Spirit guide us to realize today that over each man's chair lingers the shadow of those who were responsible for his success, and may we in grateful memory turn our thoughts unto Thee at this time. We ask it in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELTZ and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGE

SENATE BILL NO. 1004 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty one.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE NON-CONCURS IN HOUSE AMENDMENT

Mr. GELTZ. Mr. President, I move that the Senate non-

concur in the amendments made by the House to Senate Bill No. 1004.

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. GELTZ. Mr. President, Senate Bill No. 1004 is the special relief bill which it was necessary for us to introduce in order that the poor and needy of this state should not be without relief after the first of June.

We find, Mr. President, in the amendments as passed by the House, that the amount as provided in the Senate bill has been reduced, and it was our intention to concur in that reduction in order to make certain that the people who needed food and relief would not be without those things.

We also find, however, that another amendment has been added by the House which without question is purely political, and that is the amendment which provides the method of allocation for the administration in connection with those funds.

Now, Mr. President, in a matter of this importance, of this grave importance to the people who have nothing with which to go on buying food and the other necessities, it just does not seem possible, certainly not reasonable, that any group would be willing to even consider politics in connection with a matter of this kind, and because of that political clause put in this bill by amendment in the House, at this time, Mr. President, I have moved that the Senate non-concur in the House amendment.

Mr. CAVALCANTE. Mr. President, if the gentleman from Allegheny, Mr. Geltz, had been satisfied to make the motion to non-concur in this bill without making his remarks, we probably could have expedited this matter much sooner, but since he has seen fit to make remarks which were absolutely uncalled for, I deem it my duty to say something about his remarks.

He charged that the amendment made to this bill by the House is political in nature, because that amendment says that out of the money appropriated by this bill, there shall be a certain amount taken out for administration purposes, and the section added to this bill says: "Out of the monies appropriated by section one of this act, the Governor, the Auditor General and the State Treasurer, or the majority thereof, shall from time to time allocate to the Department of the Auditor General and the Treasury Department, respectively, such sums as may be deemed necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance, including any federal funds supplementing that appropriation."

Now, Mr. President, what the gentleman from Allegheny calls non-political is a provision such as the following, contained in House Bill No. 571, printer's number 697. This proviso reads:

"Provided, however, that allocations to the Department of the Auditor General shall not exceed in the aggregate the sum of \$240,000 and allocations to the Treasury Department shall not exceed in the aggregate the sum of \$665,000."

A provision of that kind is non-political. The gentleman from Allegheny, Mr. Geltz, tells us a provision of that kind places a ceiling upon how much can be spent for administrative purposes, yet the gentleman from Allegheny does not realize that there is no other department of this state, Welfare, Highways or any other—Treasury Department or any other department—that the gentleman from Allegheny is willing to put a ceiling upon, so far as expenses for administrative purposes are concerned. The gentleman from Allegheny would not consider placing a ceiling on the expenses of the Department of Public Assistance, but here, the Department of the Auditor General and the Treasury Department, very fortunately at this time, happen to be administered by Democratic officers, and he considers it very grievous when we give those departments the same opportunity to have enough money sufficient to efficiently administer the duties of their offices.

Mr. President, I say that those remarks of the gentleman from Allegheny, Mr. Geltz, come with very bad taste, when he accuses the House of placing a political amendment in this bill. If there is any politics it is on the part of the Republican side, who want to put a ceiling on the departments controlled by the Democrats, but have no ceiling on the departments controlled by the Republicans.

Mr. WALKER. Mr. President, I am very sorry the gentleman from Philadelphia, Mr. Shapiro, is not present, so that he could do these distasteful things; then the gentleman from Fayette would be more properly in his role, of speaking on the side of justice and equity.

The amendment that the gentleman from Allegheny, Mr. Geltz, referred to, is very clearly printed in the bill and if that is not a political amendment of the rankest sort I, in my brief experience and career here in the Senate, never saw one.

The gentleman from Fayette suggests that the gentleman from Allegheny, Mr. Geltz, is not sincere in his classification of this amendment. I suggest to the members of the Senate the gentleman from Fayette refers to the placing of a ceiling on the expenditures of the Department of Public Assistance. I would like the gentleman from Fayette to be a little more specific—he is talking in generalities somewhat along the line of the Minority Floor Leader. I would like him to be a little more specific and tell the members of the Senate where the gentleman from Allegheny refused to place a ceiling on the expenditures of the Department of Public Assistance. He suggested the Majority Floor Leader is insincere and I for one resent the inference and think he ought to be specific in his clarification of that.

Mr. CAVALCANTE. It will be a pleasure, Mr. President, to be very specific in this matter.

In the House of Representatives on February 24, 1941, that luminary of the Republican Party, Mr. Woodside, Jr., introduced House Bill No. 571 appropriating \$130,-

370,000 to the Department of Public Assistance for relief grants in this Commonwealth, and then in section three he made it read like this: "Out of the monies appropriated by section one of this act the Governor shall from time to time allocate to the Department of the Auditor General and the Treasury Department, respectively, such sums as he may deem necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance, including any federal funds supplementing such appropriations. Provided, however, that allocations to the Department of the Auditor General shall not exceed in the aggregate the sum of \$240,000 and allocations to the Treasury Department shall not exceed in the aggregate the sum of \$665,000."

That bill now reposes in a committee of this Senate, after the members of the House deleted the last proviso and made the bill read that the money shall be appropriated by the Governor, the Auditor General and the State Treasurer or a majority thereof.

Now, the gentlemen from the right have not in any appropriation put any ceiling on the other departments, the Department of Public Assistance or any other department, saying that they shall only spend a certain amount for administrative purposes, and we can see through that position. All other departments are controlled by the Republican Administration but the Auditor General and the Treasury Department are not controlled by the Republican Administration, and so therefore you reach out to control those departments by putting ceilings on the amount that they may spend for administrative purposes, but you are not concerned about putting a ceiling on the expenditures of the Department of Public Assistance or any other department that comes directly under the control of the Republican Party.

I ask you who is playing politics and why should not those two departments, the Auditor General's Department and the Treasury Department, have something to say in ascertaining the amounts that are necessary for administrative purposes? Why should that be left alone in the hands of the Governor?

Mr. GELTZ. Mr. President, I do not see any purpose in beating around the bush about this thing; I think we might as well come out in the open and be frank with what is the purpose of this amendment.

The gentleman from Fayette ought to know, if he does not, that both the general appropriation bill and also the main relief appropriation bill carry provisions for the administration expenses in connection with this relief.

Now, since the amendments have been placed in the general relief bill, as indicated by our colleague from Fayette County, it makes it all the more unnecessary to have any allocation, particularly with that kind of provision in this special relief bill which is being rushed through, or was rushed through insofar as the Republicans were concerned in this body, for the purpose of making certain that the people who need relief in this state would not have relief fail them on the first of June, due to the inactivity and the dilatory tactics of the Democratic House of Representatives.

Mr. President, it is easy to understand why individuals become influenced by politics in certain connections and relating to certain bills or certain acts, but one thing, Mr. President, I cannot understand, is how anybody

can be low enough to play politics with the miseries of human beings, and that is exactly, Mr. President, what is being done by this second amendment in this special relief bill and it certainly comes with poor taste for anybody to endeavor to sustain that kind of activity.

Mr. DENT. Mr. President, when I think of the Democratic Party and how it feels about the poor unfortunates, I can honestly say that we do not have to talk loud about how we feel about them or how much we feel for them, because our past history demonstrates full well how close to our political and statesmen activities we hold the unfortunates who are on relief.

It seems silly to say you recognize in the general appropriation bill that you must pass and you must have included in the act a clause whereby the necessary administrative monies may be appropriated and expended by the State Auditor General and the State Treasurer and the Governor.

As I understand it—and maybe I am wrong—the relief money runs out June 1st; evidently if the relief money runs out on June 1st, then the appropriation for the administration of relief runs out also. There is not much sense in passing six million dollars for emergency relief if you are not going to allow to operate the machinery that must necessarily be applied in order to do the work to spend this money for the benefit of these poor people they are crying so loud about now; you certainly must appropriate the money for administrative costs, and certainly it looks to me like very good legislative work on the part of the Democrats to see to it that the administrative machinery will not break down during this so-called emergency when the regular relief funds have been spent.

So therefore, Mr. President, I want to say to you it is absolutely essential and important that the proper monies be allocated to those departments which have a finger in the administration of public relief. You can not say to this Senate and the people of Pennsylvania that for eleven months out of the year it is proper to allow the Auditor General to have a check upon the activities of the Department of Public Assistance, but during one month when you make a special appropriation it will not be necessary for the Auditor General or the State Treasurer to check upon the activities of the Department of Public Assistance.

In Section 2 of this bill you make all the provisions necessary for the administrative expenses of the Department of Public Assistance, but remember that the State Treasurer and the Auditor General and the Governor's office are integral parts of the relief system and you can not allocate money for administrative costs to the Department of Public Assistance and not give money to the other integral parts of that system, without destroying the public assistance set-up in the state of Pennsylvania.

This is not a bit political. What can there be political in this, when all they are allowed to control is the amount of money they spend according to law in order to properly administer the relief act?

There is nothing wrong with the amendment and there is nothing political about it, except perhaps one political party trying to call another political party black; like the pot and kettle trying to decide which is the blackest.

Mr. COLEMAN. Mr. President, under ordinary circumstances I would not attempt to augment the very able argument of the gentleman from Fayette, followed by

the very fine presentation of the Democratic phase of this argument to the members of this Senate by the gentleman from Westmoreland, but my sense of fair play rebels against the insinuations on the part of the Majority Floor Leader in the Senate.

We have now reached a point in the legislative session when politics ought to be subordinated in the interests of the people of the state as a whole, but instead of that the action of the majority floor leader indicates to me very, very clearly that the lines are going to be tightly drawn.

Now, as between the attitude of the Democratic and Republican parties toward the people on relief, we are perfectly satisfied to accept the feelings of those to whom we have been very, very kind and very considerate while the Democrats were in power in the state of Pennsylvania.

I think when the gentleman attempts to indulge in mawkish sentimentality about the people on relief, painting a picture of the Democratic Party attempting to take from the people the things to which they are rightfully entitled, he is indulging in a rather spurious argument and throwing up a smoke screen.

When the Republicans give to a Republican Governor the power to hamstring two elected public officials of the Commonwealth of Pennsylvania it is called economy or efficiency or some other spurious designation, but when the minority membership of the Senate attempt to give to them something to which they are rightfully entitled, a sufficient amount to properly administer an act of the state of Pennsylvania, they get up on their feet and call it politics.

I am going to ask the minority membership in the Senate to vote "no" on the gentleman's motion to non-concur in the amendment inserted by the House.

Mr. EDMONDS. Mr. President, I have listened to this discussion with a great deal of interest and in so far as this Session is concerned, with the history of its developments, I am firmly of the opinion and the fact of the matter is that this question is not political, although raising it for an emergency appropriation to provide relief is a new angle of it, and an angle that personally does not appeal to me as either broad or statesmanlike.

The fact of the matter is when the first transfer appropriation was made in March, we had discussion at that time, and at that time we raised the question as to whether or not we should concur in the Democratic amendments, and one of the amendments was simply to place in this bill a provision that the Governor, the Auditor General and the State Treasurer, or a majority of them, a majority being of course the two spending agencies, should allocate the monies to those agencies. We objected to that on the floor of this Senate and then the leader of the minority party, Senator Shapiro, threw out the suggestion this was a thing that ought to be compromised. We made the suggestion on our side of the line we were willing to compromise with a fixed sum, so that relief funds might not be unduly tapped for this purpose.

Now, Mr. President, has the relief fund been unduly tapped for this purpose? I give to the Senators again the figures that I got from the Department of Public Assistance in March.

In January of 1939 the number of assistance checks was 1,177,169; in December of 1940 the number of assistance checks was 764,744. That is a decline of more than one-third in the number of assistance checks.

The number of employes in the Department of Public Assistance in connection with the work of the pay roll was, in January of 1939, 313, and in December of 1940 it was 249, so that the pay roll in the Department of Public Assistance had gone down from \$31,950 to \$24,300, and the average cost per check, which in the first month was 2.71 cents became 3.18 in the last month.

Mr. President, at the same time what was happening in the department of the State Treasurer—and the State Treasurer is now the Auditor General and would be one of the three that would make up the majority under the terms of this bill, the number of employes in January of 1939 were 269, with a pay roll of \$29,800; the number of employes in December of 1940, were 279, with a pay roll of \$32,900, although in the meantime the number of checks had gone down by more than one-third.

Now I say, Mr. President, that is a condition in which, the prudent sense of the Senate should devote itself to the question as to what is a fair compensation for those auditing officers and that amount and no more should be awarded for the purpose.

May I say that the entire fund, which is a trust fund with us—remember these funds are raised out of special taxes and allocated for relief and for relief alone—if that trust fund is to be administered as a wise and prudent trustee would do, we are bound to see that the expenses of administration of the trust shall be kept to a minimum, and would it be worthwhile to pass now any resolution or legislation which would say that the Governor, who is responsible for carrying out the budget, and the Auditor General and the State Treasurer, who have no responsibility for carrying out the budget, or a majority of them, shall make the allocation.

If, on the other side of the Senate, the Senators want to have a fixed amount for those two fiscal officers, I do not think there would be any objection on our side to making that a fair amount. We did it before in March and it can be done again. If, on the other hand, you demand the right to take the entire fund, on a vote of a majority of them, then I say stay here until next Christmas before we yield to any form of extortion such as this.

I heartily concur in the motion of my colleague from Allegheny that the Senate non-concur in this amendment.

Mr. DENT. Mr. President, I understood the gentleman from Montgomery to say that the money is in trust, and taxes are raised for the simple purpose of relief and should not be used for any other purpose.

I wonder if the gentleman from Montgomery knows that the Department of Commerce used thousands upon thousands of relief dollars for advertising the now Governor of the state of Pennsylvania prior to the Republican convention in Philadelphia, in the so-called Department of Commerce's advertising campaign, and you used a long-winded excuse by saying that by so doing you were reducing the relief loads by having new industries come into Pennsylvania, and the biggest thing you ever saw was an entire add in the Saturday Evening Post and other periodicals.

Mr. EDMONDS. Is the gentleman from Westmoreland asking me a question, Mr. President?

Mr. DENT. Yes, Mr. President.

Mr. EDMONDS. I did not know that any of that money came from the relief fund, Mr. President, and I do not know it yet.

Mr. DENT. I am telling you.

Mr. EDMONDS. I still do not know it, Mr. President.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. Yes, Mr. President.

Mr. REED. Would it be possible under this amendment, Mr. President, to have a sum fixed that would be necessary to distribute this fund through the proper agency?

Mr. EDMONDS. That is what we agreed to last March and what was done last March, with the first transfer appropriation. I see no reason why the House should not suggest doing that at this time, but they have not suggested that, they have sent us an amendment in a form where the only thing we can do is concur or non-concur. We can not amend it again, and personally I am opposed to any concurrence with a proposition of this kind.

Mr. CAVALCANTE. Mr. President, I do not usually talk three times on one bill but in this instance I should like to ask permission to do so.

The PRESIDENT. If there is no objection the gentleman from Fayette may proceed.

Mr. CAVALCANTE. Mr. President, I would like to interrogate the gentleman from Montgomery.

The PRESIDENT. Will the gentleman from Montgomery permit himself to be interrogated?

Mr. EDMONDS. With pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, the gentleman from Montgomery seems to approve the policy of placing a ceiling upon the expenditures of these two fiscal offices for administrative purposes. Does the gentleman also believe in applying that principle to the Department of Public Assistance?

Mr. EDMONDS. As an actual matter of fact, Mr. President, we have other ceilings, under our own control; as a matter of fact, if you have any legislation that looks toward allocating the amount of money that can be spent for examination and investigation, I would be willing to consider that, but remember that department is under the Governor and the Governor has the responsibility for making the budget work, and consequently if they go wrong we can feel sure that the Governor is the executive to curtail that, and that condition does not exist with the two fiscal officers.

Mr. CAVALCANTE. I gather from the gentleman's answer, Mr. President, that he believes in placing a ceiling over everybody except the Governor, because the Governor no doubt wears the halo or wings of being non-political, a Governor who is free of politics, but, Mr. President, I cannot understand the gentleman from Allegheny, Mr. Geltz, just like he does not understand me. He is so much worried and shedding these crocodile tears for the people on relief who will have to do without relief he says, unless this bill passes, and yet the gentleman from Allegheny, Mr. Geltz, despite the fact that this is simply an emergency measure that will only last for about thirty days, is willing to permit an amendment made by the House of Representatives to stall the giving of relief. He ceases to shed the tears then, despite the fact that this is merely an emergency measure. He would sooner throw this into a conference in order to win his point; we must place a ceiling on these expenditures for administrative purposes, over the two fiscal officers, but over nobody else.

Now, Mr. President, if the gentleman is sincere in his position he ought to withdraw his motion and let us concur in this amendment, because this is purely an emergency measure, and then whenever the general appropriation bill comes up for approval in this Senate, we might work on the bigger problem because the big problem involved is whether or not we are right on the proposition that the Republican side should not expect to put a ceiling over those two fiscal offices controlled by the Democrats and not be willing to place a ceiling over the Department of Public Assistance, over which they have control.

Mr. GELTZ. Mr. President, so that the public may know the hypocrisy which is entering into this debate from some angle, I think our colleague from Fayette County very well knows that the fifteenth of June is the time that it will be necessary for the State Treasurer to pay those individuals who do the work necessary to get this relief to the people who need relief.

He knows very well that in order for that work to be continued and in order for relief to be not stopped or terminated temporarily in this state, that it is not necessary for any allocation nor is it necessary for any appropriation in this temporary relief bill, and he also undoubtedly knows that Senate Bill No. 1018, introduced by the gentleman from Dauphin, Senator Taylor, and which was reported out yesterday and is on the second reading calendar today, is a bill which appropriates two million dollars to the State Treasurer for the purpose of paying salaries to state employees, as requisitioned by the various department heads.

That bill, Mr. President, is also made necessary by the dilatory tactics and the inactivity of the Democratic House of Representatives in not getting the general appropriation bill over here until just this week.

The PRESIDENT. The question is on the motion of the gentleman from Allegheny that the Senate non-concur in the amendments to Senate Bill No. 1004.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. EDMONDS. Mr. President, I rise on a point of parliamentary inquiry.

The PRESIDENT. The gentleman from Montgomery will proceed.

Mr. EDMONDS. Mr. President, it is my understanding that this bill, having passed the Senate and having been amended in the House, the question being on non-concurrence in the House amendments, we cannot further amend the bill at the present time? Is that right?

The PRESIDENT. The Chair is of that opinion and is of the further opinion that the bill must go to a conference committee, unless the House recedes.

Mr. EDMONDS. I personally am willing to have this fixed with a ceiling, Mr. President, and I want to remind the gentleman from Fayette that was a suggestion which met with the cordial approval of the co-leader of the Democrats in this Senate at the time in March when the question came up for discussion. It is my recollection the gentleman from Philadelphia, Mr. Shapiro, suggested it and we accepted the suggestion and worked it out; we have lived for four months under that ceiling and it has not fallen yet, and if we cannot put a ceiling in this bill the only thing left to do is non-concur.

Mr. CAVALCANTE. The gentleman from Fayette speaks for himself; he has no mouthpiece in this Senate.

Mr. EDMONDS. The gentleman from Fayette does not need any.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BARR. Mr. President, I rise on a parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. BARR. Mr. President, in order that I may vote intelligently, "aye" or "no", if I want to concur in the amendment I vote "aye", is that correct.

The PRESIDENT. It just depends on what position the gentleman from Allegheny wishes to take. A vote in the affirmative is a vote to non-concur and a vote in the negative is a vote to concur.

Mr. WALKER. Mr. President, I understood my colleague from Allegheny to say he wanted to vote intelligently and therefore I suggest to him he should vote "aye."

Mr. CAVALCANTE. The gentleman should vote "no", Mr. President.

Mr. COLEMAN. Mr. President, I still think there is a bit of confusion. The gentleman from Allegheny, as I understand, made a motion to non-concur in the amendments inserted by the House, which was duly seconded, and that is the proposition on which we are voting. I would like to advise my good friend his vote should be "no" on the proposition of non-concurring and then this will have the effect of throwing it on the House and I assume the House will not recede from its position, which will throw the bill into a conference committee. Am I clear on that?

The PRESIDENT. That is correct.

And the question recurring,

Will the Senate agree to the motion?

BILL ON NON-CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty first, one thousand nine hundred forty-one.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate non-concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,
Becker,
Carr,
Chapman,
Crider,
Crowe,
Ealy,
Edmonds.

Farrell,
Geltz,
Heyburn,
Homsher,
James,
Kephart,
Letzler,
Mallory.

Miller,
Snowden,
Stevenson,
Tallman,
Taylor,
Thomas,
Tyler,

Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—11

Barr,	Cox,	McGinnis,	Ruth,
Cavalcante,	Dent,	McQuiddy,	Stiefel,
Coleman,	Haluska,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, May 29, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ADAMS COUNTY

E. G. Mummert, East Berlin.

ALLEGHENY COUNTY

A. C. Greiner, Pittsburgh, 2929 Knowlson Avenue.
Chas. K. Gumbert, Jr., Coraopolis.

BUTLER COUNTY

Robert E. Brown, Slippery Rock.

CAMBRIA COUNTY

Miss M. Edith Gobin, Johnstown.

CLEARFIELD COUNTY

Miss Maude H. Sweeney, Clearfield.

DAUPHIN COUNTY

Miss Esta S. Keller, Harrisburg.

PHILADELPHIA COUNTY

Mrs. Gretchen L. Schnabel, Phila., 1236 W. Hilton St.
Frank W. Taylor, Phila., 1371 Pratt Street.
Miss Mary Elizabeth Willard, Phila., 1106 Girard Trust Company Building.

WESTMORELAND COUNTY

Miss Ann I. Winklosky, Latrobe.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY,

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Ruth,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Dent,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 107, entitled:

An Act to amend section eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 395), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended, by providing that such toll bridges heretofore or hereafter acquired by the Department of Highways shall be free bridges from the effective date of this act or from the date they are so acquired

House Bill No. 192, entitled:

An Act to amend section four thousand four hundred and eight of the act approved the twenty-third day of June, one thousand nine hundred thirty-one (P. L. 932) entitled "Third Class City Law," providing for appeals by policemen who are fined, suspended or discharged after hearing.

House Bill No. 228, entitled:

An Act to reenact and amend the title and the act, approved the fourteenth day of June, one thousand nine hundred thirty-five (P. L. 341), entitled, as amended, "Cigarette Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further period of time.

House Bill No. 229, entitled:

An Act to further amend section four of the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), entitled "Liquid Fuels Tax Law," by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time.

House Bill No. 231, entitled:

An Act to reenact and amend the title and the act, approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "Cor-

porate Net Income Tax Act," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

House Bill No. 232, entitled:

An Act to further amend the act, approved the first day of June, one thousand eight hundred eighty-nine (P. L. 420), entitled "A further supplement to an act, entitled 'An act to provide revenue by taxation,' approved the seventh day of June, Anno Domini one thousand eight hundred and seventy-nine," by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies, limited partnerships, associations, joint-stock associations, co-partnerships and persons.

House Bill No. 233, entitled:

An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgages, and others interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto, approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

House Bill No. 235, entitled:

An Act to reenact and amend the title and the act, approved the ninth day of June, one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six P. L. 13), entitled "An act imposing an emergency State tax for a limited period of time on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," as previously reenacted and amended, by extending the provisions thereof for a further limited period of time.

House Bill No. 960, entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled "Sausage Law" making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

COMMUNICATION FROM THE UNITED MINE WORKERS OF AMERICA

The PRESIDENT. The Chair clears his table and lays

before the Senate the following communication from the United Mine Workers of America, which will be spread upon the Journal:

UNITED MINE WORKERS OF AMERICA

United Mine Worker's Building
Washington, D. C.

May 26, 1941.

Honorable George F. Holmes, Secretary
Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Sir:

I am honored by the receipt of your communication of May 21, transmitting copy of resolution adopted by the Senate of Pennsylvania with respect to the new wage agreement in the anthracite industry of Pennsylvania.

Accept, Sir, my appreciation of this action.

Sincerely yours,

(Signed) JOHN L. LEWIS.

REPORTS FROM COMMITTEES

Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 941, (House Bill No. 276), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with the General State Authority for the use and occupancy by such college of the various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 989, (House Bill No. 1463), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

Mr. EDMONDS, from the Committee on Banking, reported as committed, Senate Bill No. 77, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

Mr. WADE, from the Committee on Banking, reported as committed, Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Gov-

ernment in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 837, (House Bill No. 1439), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto.

He also, from the Committee on Banking, reported as committed, Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

He also, from the Committee on Banking, reported as amended, Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties," by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

Mr. CHAPMAN, from the Committee on Appropriations, reported as committed, Senate Bill No. 947, (House Bill No. 310), entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 367, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 158, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeomen (female) and nurses.

Mr. THOMAS, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 974, (House Bill No. 1167), entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

Mr. COLEMAN, from the Committee on Finance, reported as committed, Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board commission, and officers of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

Mr. HOMSHER, from the Committee on Banking, reported as amended, Senate Bill No. 823, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or with-

out fiduciary powers of private bankers, and of the officers, directors, trustees, shareholders, attorneys and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments commissions; and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons; and of officers, directors, trustees and employees of such corporations and persons.

Mr. TYLER, from the Committee on Forests and Waters, Game and Fish, reported as committed, Senate Bill No. 1031, (House Bill No. 1346), entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers.

Mr. REED, from the Committee on Judiciary General, reported as committed, Senate Bill No. 211, entitled:

An Act to decrease the expenses of the Commonwealth by providing that mercantile appraisers lists shall not be published in newspapers in any city or county of the Commonwealth; and repealing acts and parts of acts relating thereto.

BILL INTRODUCED

Mr. CRIDER read in his place and presented to the Chair Senate Bill No. 1053, entitled:

An Act to amend section one of the act, approved the eighth day of May, one thousand eight hundred and ninety-five (P. L. 44), entitled "An act providing for the release and discharge of encumbrances or charges on land in all cases in which the period of twenty-one years has elapsed after the principal of the encumbrance or charge has become due and payable, and no payment has been made within such period of twenty-one years on account of such encumbrance or charge by the owner or owners of the land sought to be released and discharged and no sufficient release is of record in the county, and regulating proceedings for such release and discharge," heretofore repealed in so far as it related to the orphans' court, relieving courts of common pleas of the necessity of passing on the truth of the allegations of petitions for release and discharge of such encumbrances or charges.

Which was committed to the Committee on Judiciary General.

CALENDAR

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 469, (House Bill No. 364) on concurrence in house amendments, recalled from the Governor, entitled:

An Act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifteen

(P. L. 736) entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 497, (House Bill No. 610) on concurrence in house amendments recalled from the Governor, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098), on concurrence in house amendments recalled from the Governor, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June, one thousand nine hundred thirty-three, (Pamphlet Laws one thousand four hundred forty-nine), entitled "An act establishing a court of record in the County of Allegheny for control, care, guidance, treatment, trial, placement and commitment of delinquent, neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency, neglect or dependency of children; defining the jurisdiction and powers of the court and regulating procedure therein; providing for the transfer thereto of certain powers, functions and duties from other courts, providing for the election of judges thereof, the appointment of probation officers, other necessary staff officials and assistants; providing for housing of same, and providing for detention facilities; making the contributing to or encouraging of the delinquency, neglect or dependency of children a misdemeanor; and providing penalties," to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION THAT SENATE CONCUR IN AMENDMENTS MADE BY HOUSE TO SENATE BILL NO. 706 (HOUSE NO. 1021)

Mr. GELTZ. Mr. President, I move that the Senate do now concur in the amendments made by the House to Senate Bill No. 706, (House No. 1021), recalled from the Governor.

Mr. EALY. Mr. President, I second the motion
The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 706, (House Bill No. 1021), entitled:

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Cavalcante,	Haluska,	Mundy,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Snowden,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Wilson, T. B.,
Crowe,	Letzler,	Stiefel,	Woodward,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 46, on final passage, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county

go over in its order as it is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 185, on final passage, entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

go over in its order as it is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 529, on final passage, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistant and other employees; providing for their compensation payable by such counties; and abolishing the office of assistant triennial assessor in townships of the first class

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 818, (House Bill No. 1324), on final passage, entitled:

An Act to further amend section thirty-two of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further providing for ascertaining the change of classification of counties

go over in its order, the bill not being up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 66, on third reading, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 204, as follows:

An Act to empower cities counties boroughs incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All cities all counties authorized to adopt and enforce zoning ordinances and regulations boroughs incorporated towns townships of the first class and townships of the second class are hereby empowered to require that

all used or abandoned motor vehicles stored or collected for resale or dismantling or cutting up for scrap iron which are located in any area or district designated as a residence district under the provisions of any zoning ordinance or amendment thereto now or hereafter passed or ordained shall be removed from such residence area or district within the period of one year from the effective date of such ordinance

Section 2 The corporate authorities of all cities all counties authorized to adopt and enforce zoning ordinances and regulations boroughs incorporated towns townships of the first class and townships of the second class may provide proper penalties not exceeding five hundred dollars (\$500.00) for the violation of the provisions of any ordinance requiring the removal of all used or abandoned motor vehicles stored or collected for resale or for scrapping as set forth in the preceding section, and in addition to the penalties provided by ordinances enacted to carry out the provisions of this act may institute appropriate actions or proceedings at law or in equity to prevent and restrain the maintenance of such unlawful nonconforming uses in residential areas or districts or abate such violations

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wad,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Ruth,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 209, as follows:

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any wagon buggy motor vehicle water or air craft or other vehicle or conveyance in which is stored contained or transported any narcotics or drugs the possession or transportation of which is in violation of any law of this Commonwealth shall be forfeited to the Commonwealth subject to the provisions hereafter set forth

Section 2 Whenever any officer shall discover any vehicle being used as referred to in section one hereof he shall take possession of such vehicle and shall forthwith deliver possession thereof to the district attorney of the county wherein said seizure occurred or to the person designated by him to abide the judgment of the court Provided however That the said vehicle team conveyance

craft or receptacle shall be returned to the owner upon the execution by him of a good and valid bond with sufficient sureties in the sum double the value of the vehicle to be approved by the magistrate alderman or justice of the peace or a judge of the court of quarter sessions conditioned that the said vehicle shall be delivered to the district attorney of the county or the person designated by him at the time of the condemnation proceedings hereinafter provided in this act to abide the judgment of the court or otherwise to remain in full force and virtue said bond to be payable to the Commonwealth of Pennsylvania for the use of the county in which said conviction is had Said bond shall be returned to the court of quarter sessions and there held to abide the final disposition of the case Provided further That no such vehicle when in the custody of the law or of any officer shall be seized or taken therefrom on any writ of replevin or other like process

Section 3 If upon hearing it appears that any such vehicle has been used to store possess or transport any narcotic or drug the transportation or possession of which is unlawful such vehicle shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided

Section 4 In the case of any such vehicle seized and condemned as aforesaid the court shall order a public sale thereof by the sheriff of the county notice of which sale shall be given in the same manner as notice is required to be given of the sale of personal property under a writ of fieri facias the proceeds of such sale to be paid to the county treasurer for the use of the county In the event that any such vehicle is when so seized held and possessed under a bailment lease or contract and the legal title thereto is in another person or in the event that any such vehicle is when so seized subject to the lien of a chattel mortgage or to a contract of conditional sale and if the person holding the legal title thereto or holding such chattel mortgage or contract of conditional sale thereon shall prove that the unlawful use for which the same was seized was without his knowledge or consent then the claim of the bailor for money due under said bailment lease or contract or the claim of the mortgagee or conditional seller for money due under said chattel mortgage or contract of conditional sale shall attach to and be paid out of the funds derived from said sale after payment of costs and the balance distributed as above provided In case it appears at said hearing that the owner of any such vehicle has not been found within the jurisdiction of the court the sheriff shall give ten (10) days' notice of said sale by registered letter to the person if any whose name appears thereon as the manufacturer thereof together with the manufacturer's number if any appearing thereon

Section 5 (1) The proceedings for the forfeiture or condemnation of all vehicles the sale of which is provided for herein shall be in rem in which the Commonwealth shall be the plaintiff and the vehicle the defendant A petition shall be filed in the court of quarter sessions of the peace verified by oath or affirmation of any officer or citizen containing the following (a) a description of the vehicle so seized (b) a statement of the time and place where seized (c) the owner if known (d) the person or persons in possession if known (e) an allegation that same had been used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of a law of the Commonwealth (f) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof Said copy shall have endorsed thereon a notice as follows

"To the Claimant of within Described Property

"You are required to file an answer to this petition setting forth your title in and right to possession of said vehicle within fifteen (15) days from the service hereof and you are also notified that if you fail to file said

answer a decree of forfeiture and condemnation will be entered against said vehicle"

Said notice shall be signed by the district attorney

(3) If the owner of said vehicle is unknown or outside the jurisdiction of the court and there was no person in possession of said vehicle when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by the sheriff by an advertisement in a newspaper of general circulation published in the county where such vehicle shall have been seized once a week for three (3) successive weeks Said notice shall contain a statement of the seizure of said vehicle with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than twenty-one (21) days from the date of the first publication

(4) Upon the filing of any claim for said vehicle setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the vehicle in question was unlawfully used the burden shall be upon the claimant to show (a) that he is the owner of said vehicle or the holder of a chattel mortgage or contract of conditional sale thereon (b) that he lawfully acquired the same (c) that it was not unlawfully used or possessed by him and (d) in the event that it shall appear that the vehicle was unlawfully used by a person other than the claimant then such claimant shall show that such unlawful use was without his knowledge or consent

(6) Any person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon any such vehicle the disposition of which is provided for herein may at any time prior to the sale thereof present his petition to the court alleging his lawful ownership thereof or right of possession thereto or his lien thereon or reservation of title thereto and if upon public hearing thereon due notice of which having been given to the district attorney such claimant shall prove by competent evidence to the satisfaction of the court that said vehicle was lawfully acquired possessed and used by him or if it appearing that the vehicle was unlawfully used by a person other than the claimant he shall prove that such unlawful use was without his knowledge or consent then the court may order the same returned or delivered to said claimant otherwise it shall be sold as hereinabove provided

(7) Unless either the Commonwealth or the claimant shall demand a jury trial within five (5) days after the conclusion of the hearing the right to such jury trial shall be deemed to have been waived

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 7 This act shall become effectively immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Cavalcante,	Haluska,	Mundy,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Snowden,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Wilson, T. B.,
Crowe,	Letzler,	Stiefel,	Woodward,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 290, (House Bill No. 374), as follows:

An Act to add clause (e) to section four of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 540) entitled "An act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith" by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 540) entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith" is hereby amended by adding thereto after sub-section (d) a new sub-section to read as follows

Section 4

* * *

(e) In all cases where fiduciaries may hold in their hands any mortgage or mortgages they may with the approval of the court of common pleas accept from the owners of the mortgaged property a deed or deeds to such property in lieu of foreclosure of such mortgage or mortgages with the same effect as to the maintenance of the fiction of personality as though title were acquired by foreclosure and purchase by such fiduciary at sheriff's sale Provided That the deed or deeds so made shall recite that such deed is made to save the cost of foreclosure under the terms of this act. And provided further That nothing in this act shall relieve such fiduciaries from responsibility for their acts as in other cases

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Cavalcante,	Haluska,	Mundy,	Wade,
Chapman,	Heyburn,	Reed,	Walker,
Coleman,	Homsher,	Ruth,	Watkins,
Cox,	James,	Snowden,	Wilson, H. I.,
Crider,	Kephart,	Stevenson,	Wilson, T. B.,
Crowe,	Letzler,	Stiefel,	Woodward,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 396, as follows:

An Act to further amend section thirty-one as renumbered section thirty-two of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" changing the date for the exercise of local option

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirty-one as renumbered section thirty-two of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) is hereby further amended to read as follows

Section 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the of ?	Yes	<input type="checkbox"/>
	No	<input type="checkbox"/>

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage retail dispenser licenses shall be granted by the board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the board shall

thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P. L. 252) and its amendments voted prior to the adoption of this amendment against the granting of retail dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barr,	Ealy,	Mallery,	Thomas,
Bartlett,	Edmonds,	Miller,	Wae,
Becker,	Heyburn,	Reed,	Walker,
Carr,	Homsher,	Snowden,	Watkins,
Chapman,	James,	Stevenson,	Wilson, H. I.,
Coleman,	Kephart,	Tallman,	Wilson, T. B.,
Crider,	Letzler,	Taylor,	Woodward,
Crowe,			

NAYS—8

Cavalcante,	Dent,	McGinnis,	Ruth,
Cox,	Haluska,	McQuiddy,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 428, as follows:

An Act to amend section nine hundred and one of and to add section nine hundred and one-tenth to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by limiting the offense of burglary to certain acts committed by night and making entering buildings in the daytime with intent to commit a felony therein or breaking and entering buildings in the daytime a felony

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section nine hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 901 Burglary Whoever by night wilfully and maliciously enters any building with intent to commit any felony therein is guilty of burglary a felony and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000) or to undergo imprisonment by separate or solitary confinement at labor not exceeding twenty (20) years or both

Section 2 Said act is hereby amended by adding thereto after section nine hundred and one a new section to read as follows

Section 901.1 Breaking and Entering or Entering by Daytime Whoever in the daytime breaks and enters any building or whoever in the daytime wilfully and maliciously with or without breaking enters any building with intent to commit any felony therein shall be guilty of a felony and upon conviction thereof shall be sentenced

to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment by separate or solitary confinement at labor not exceeding ten (10) years

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Taylor.
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Ruth,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. THOMAS B. WILSON. Mr. President, I move that Senate Bill No 443 on third reading, entitled:

An Act to amend section one thousand one hundred and four and to further amend sections one thousand one hundred and five, one thousand one hundred and twenty-one and one thousand one hundred and twenty-seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of county and assistant county superintendents

be recommitted to the Committee on Education for the purpose of further consideration.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from McKean, Mr. Wilson.

The PRESIDENT. Will the gentleman from McKean permit himself to be interrogated?

Mr. THOMAS B. WILSON. Yes, Mr. President

Mr. HALUSKA. What is the purpose of re-referring this bill, Mr. President?

Mr. THOMAS B. WILSON. It is proposed that the bill go back to committee for further consideration.

Mr. HALUSKA. Does the gentleman from McKean have any amendments in mind?

Mr. THOMAS B. WILSON. Mr. President, the question is whether or not this system should be put into operation and how it should be put in, and whether or not anything should be passed on this subject is being seriously

considered. It is not being sent back to kill the bill particularly, but the question has not been decided by the people who are moving to send this back to committee.

Mr. HALUSKA. I ask, Mr. President, whether the committee gave that any consideration before the bill was reported out?

Mr. THOMAS B. WILSON. I think the committee did.

Mr. HALUSKA. I see no reason why the bill should go back to committee for consideration, Mr. President.

Mr. THOMAS B. WILSON. I do, Mr. President. Here are two bills dealing with the same subject and it is not yet apparent, to my mind at least, whether or not either of the bills should be passed, and if either of them should be passed, which one should be passed. The bills are going back simultaneously for reconsideration.

Mr. COX. Mr. President and the members of the Senate, early in the week this Senate passed a bill setting up an educational commission and making an appropriation for an exhaustive survey of the educational system of Pennsylvania. I was very happy to see this bill pass; because of my professional experience in the teaching field, I know such a comprehensive study is very necessary. If the House concurs with the Senate and such a commission is set up one of the duties of that commission should be to study very carefully this question of tenure.

One of these bills which is being recommitted deals with the question of permanent tenure for the county superintendents of schools. The county superintendent of schools in some counties of our great state is a very necessary officer, but in the urban districts and heavily populated districts, the county superintendent of schools is a needless adjunct of the public school system and I feel in many cases unnecessary and for that reason I certainly intend to vote to recommit these bills, hoping that by recommitting them they will no longer see the light of day.

Mr. RUTH. Mr. President, I am not agreeing that this bill gives the county superintendents permanent tenure. If we could discuss the bill I could readily point out it is not permanent, far from it, and I strenuously object to sending the bills back to committee, but I am not optimistic enough to believe it would do any good—so let them go.

Mr. STIEFEL. Mr. President, in line with the remarks made by my colleague from Allegheny, Mr. Cox, I have been deluged with letters from my constituents about Senate Bill 559. My answer to them is that I am not afraid of any investigation. Somebody said that he would rather have Mephisto legislate and Gabriel execute than Gabriel legislate and Mephisto execute.

My opinion about Senate Bill No. 559 is that it depends upon the persons to be appointed on this committee; if they will do a thorough job it will inure to the benefit of the entire Commonwealth. In the meantime I believe these two bills should again return to the floor of the Senate because they are going to fill a serious deficiency in our legislative system pertaining to the schools.

Mr. THOMAS B. WILSON. Does the gentleman insist on a roll call?

Mr. COLEMAN. Not necessarily, Mr. President, excepting that I want to get inserted into the record somewhere my opposition to recommitting the bills, the obvious purpose of which is to pickle them.

Mr. THOMAS B. WILSON. Mr. President, I still am

asking whether the gentleman insist on a roll call. I do not think he has asked for a roll call.

Mr. CROWE. Mr. President, inasmuch as the opinion of my colleagues is so heavy against this bill of mine and Senator Ruth's, I do not want to take up the time of the Senate in having the roll called, but I wish you would extend to me the courtesy of having my vote recorded in the journal as "no."

The PRESIDENT. The question before the Senate is whether the Senate will agree to recommit Senate Bill No. 443, appearing on page 5, of today's Calendar and also Senate Bill No. 822, on page 14 of the Calendar. A vote "aye" is a vote in favor of recommitting the bills to the Committee on Education.

Is there any other information desired?

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. COLEMAN and were as follows, viz:

YEAS—27

Chapman,	Heyburn.	Miller,	Wade,
Cox,	Homsher,	Snowden,	Walker,
Crider,	James,	Stevenson,	Watkins,
Ealy,	Kephart,	Tallman,	Wilson, H. I.,
Edmonds,	Letzler,	Taylor,	Wilson, T. B.,
Farrell,	Mallery,	Thomas,	Woodward,
Geltz,	McQuiddy,	Tyler,	

NAYS—13

Barr,	Cavalcante,	Dent,	Reed,
Bartlett,	Coleman,	Haluska,	Ruth,
Becker,	Crowe,	McGinnis,	Stiefel,
Carr,			

So the question was determined in the affirmative.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, do I understand this motion carried both bills.

The PRESIDENT. That is correct.

BILLS OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 555, on third reading, entitled:

An Act to amend the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief, providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and the Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 560, on third reading, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain old legacies, with notice by publication but without the issuance of a citation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 601, on third reading, entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 610, (House Bill No. 1005), entitled as follows:

An Act to add section six hundred ninety-nine and six-tenth of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other

than food or surplus food as defined by the United States Department of Agriculture and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended by adding thereto after section six hundred ninety-nine and five-tenth a new section to read as follows

Section 699.6 Buying or Exchanging Federal Food Order Stamps or Accepting Federal Food Order Stamps for Other Than Food or Surplus Foods Whoever not being authorized to do so by the United States Department of Agriculture shall buy or exchange Federal food order stamps for currency or whoever shall accept or cause to be accepted Federal food order stamps in exchange for any merchandise or article except food as defined by the Secretary of the United States Department of Agriculture or Federal food order stamps in exchange for merchandise or article not defined by the Secretary of the United States Department of Agriculture to be surplus foods shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300) or to undergo imprisonment for not less than one (1) month nor more than six (6) months or both

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Ruth,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection

and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 629, (House Bill No. 764), as follows:

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subdivision (d) of article nine of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended by adding at the end thereof a new section to read as follows

Section 938 Special Dog Training Areas (a) Upon application of any club or organization having twenty or more members who are citizens of this Commonwealth or upon the application of twenty or more citizens of this Commonwealth and the payment of a registration fee of ten dollars (\$10) the commission may issue a permit authorizing the establishment and maintenance by such club organization or citizens on land owned by them or over which they have legal control of a special dog training area wherein and whereon dogs may be trained at any time during the entire year No such dog training area shall be of less than one hundred acres nor of more than two hundred fifty acres nor shall permits be issued for more than four special dog training areas in any one county

(b) The permittees shall from time to time during each year stock twenty-five pieces of game per one hundred acres at their own expense under the supervision of the game Commission and unless the Commission shall determine that the area is already adequately stocked The permittees may at any time during the entire year train their own dogs or the dogs of other persons on such area or permit others so to do under such conditions as shall be mutually agreed upon Neither the permittees

nor any other person shall at any time hunt or trap within the confines of such area except that the permittees or any person authorized by them may hunt or trap vermin and predators for the purpose of exterminating vermin and predators on such area

(c) The boundary line of such special dog training area shall be plainly and conspicuously posted prior to October first of each year with legible notices at least ten inches by twelve inches in size placed not more than one hundred yards apart which shall bear the following warning.

**Special Dog Training Area
Hunting is Unlawful**

This Land Is Set Aside Under Special Permit for
the Training of Dogs

Entering Hereon for the Purpose of Hunting or
Disturbing Game or Permitting Dogs to Enter With-
out Proper Authorization Is Punishable by a Penalty
of Twenty-five Dollars (\$25.00)

.....
(Name and Address of Permittee to Be Printed Here)

(d) Each person violating any of the foregoing provisions of this section shall upon summary conviction be sentenced to pay a fine of twenty-five dollars (\$25) for each offense together with costs of prosecution

It is unlawful for any person to wilfully negligently or maliciously cut remove cover up deface or otherwise mutilate injure or destroy any special dog training area boundary fence or wire or poster placed in accordance with the provisions of this section Each person violating any provisions of this paragraph shall upon summary conviction be sentenced to pay a fine of ten dollars (\$10) for each offense together with costs of prosecution

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—41

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Cavalcante,	Haluska,	Reed,	Walker,
Chapman,	Heyburn,	Ruth,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

PARLIAMENTARY INQUIRY

Mr. GELTZ. Mr. President, I rise on a parliamentary inquiry.

The PRESIDENT. The gentleman from Allegheny will proceed.

Mr. GELTZ. Mr. President, have the barks and growls been recorded?

The PRESIDENT. The floor leader of the side from which the barks came is not here, so the Chair can not answer.

**BILLS ON THIRD READING AND FINAL
PASSAGE**

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 633, (House Bill No. 949), entitled as follows:

An Act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" as amended by the act approved the twenty-sixth day of June one thousand nine hundred and thirty-one (P. L. 1384) is hereby further amended to read as follows

Section 9 The jurisdiction of the several orphans' courts whether separate or otherwise shall extend to and embrace

(a) The appointment control removal and discharge of the guardians of minors and the settlement of their accounts

(b) The appointment of trustees for any persons interested in the real or personal estate of any decedent and the control removal discharge and settlement of the accounts of trustees so appointed and of testamentary trustees whether the testamentary trustees be appointed nominatim or virtute officii

(c) The appointment of trustees for absent persons the control removal and discharge of trustees so appointed and the settlement of their accounts

(d) The control removal and discharge of executors and administrators deriving their authority from the register of the respective county and the settlement of their accounts

(e) The distribution of the assets and surplusage of the estates of decedents among creditors and others interested

(f) The sale of real estate of decedents for payment of their debts

(g) The disposition of the title to real estate of decedents and of persons disabled from dealing therewith in order to render the same freely alienable and productive to the living owners thereof

(h) The partition of the real estate of decedents among the parties entitled thereto the valuation of such real estate and the sale thereof for the purpose of distribution

(i) The specific execution of contracts made by decedents to sell and convey any real estate of which such decedents shall die seized and of contracts made by decedents to purchase any real estate

(j) Proceedings for the collection or enforcement of payment or delivery of all legacies whether pecuniary specific or otherwise and whether charged on real estate or not

(k) Proceedings for the discharge of real estate of decedents from the lien of debts of decedents and for the discharge of real and personal estates from the liens of legacies annuities dower recognizances and other charges

(l) All cases within their respective counties wherein executors administrators guardians or trustees may be possessed of or are in any way accountable for any real or personal estate of the decedent

(m) All appeals from the orders or decrees of the reg-

isters of wills of their respective counties and all proceedings removed from said registers by certifications

(n) The control removal discharge and settlement of accounts of trustees of trusts inter vivos

(o) The control removal discharge and settlement of accounts of trustees of life insurance trusts whether taking effect during the lifetime or at or after the death of the insured or settlor

(p) The exercise of all other powers needful to the doing of anything which is or may be hereafter required or permitted to be done in said court whether incidental to the powers hereinbefore enumerated or in addition thereto

And such jurisdiction shall be exercised under the limitations and in the manner provided by law Provided however That nothing in the foregoing shall be construed to relieve executors administrators or trustees who have entered into an agreement of sale of real estate of a decedent or any other real estate held in trust in good faith and who prior to the time fixed for settlement thereunder have recieved a higher offer for such real estate from the payment of real estate broker or broker's commissions to the broker who had procured such agreement of sale and in the event that more than one real estate broker is entitled to commissions for said agreements of sale then such commissions shall be equally divided between or among such real estate brokers Provided further that the total aggregate commissions paid shall in no event exceed five per cent of the gross consideration of the final sale

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Mundy,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Orider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Dent,	Letzler,	Tallman,	

NAYS—2

Cavalcante, Reed,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 650, (House Bill No. 1022), entitled as follows:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privi-

leges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all monies collected into the State Treasury and providing penalties" is hereby amended to read as follows

Section 13 Any person may bring or cause to be brought into the State for a period of thirty days one or more dogs for show trial or breeding purposes without securing such license and any person holding a Pennsylvania non-resident hunting license may without securing a license or licenses therefor bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such persons's residence

Section 2 Section eighteen of said act as amended by the act approved the sixth day of May one thousand nine hundred and twenty-seven (P. L. 833) is hereby further amended to read as follows

Section 18 On and after the fifteenth day of January one thousand nine hundred and twenty-two it shall be unlawful for any person to own or keep any dog six months old or over unless such dog is licensed by the treasurer of the county in which the dog is kept and unless such dog at all times wears the collar and tag provided for by this act unless such dogs are temporarily brought into the State for breeding hunting trial or show purposes as hereinbefore provided

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	McGinnis,	Taylor,
Bartlett,	Edmonds,	McQuiddy,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Geltz,	Mundy,	Wade,

Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Dent.

Haluska,
Heyburn,
Homsher,
James,
Kephart,
Letzler,
Mallery,

Reed,
Ruth,
Snowden,
Stevenson,
Stiefel,
Tallman,

Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 669, as follows:

An Act to further amend sections five hundred and one and five hundred two of the act approved the twenty-

ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by changing the time for submission of the question of local option

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections five hundred one and five hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operations of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 501 Local Option Areas Authorized In any municipality or township an election may be held but not oftener than once in four years on the date of the municipal election to determine the will of the electors with respect to the granting of liquor licenses by the board to hotels restaurants and clubs within the limits of such municipality

Section 502 Petition of Electors for Local Option Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners for a referendum on the question of granting such liquor licenses the county commissioners shall cause a question to be submitted at the municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth Such question shall be in the following form

Do you favor the granting of liquor licenses for the sale of liquor in the _____ of _____	YES	_____
	NO	_____

In the case of a tie vote or if a majority of the persons voting on such question vote "Yes" then liquor licenses shall be granted by the board to hotels restaurants and clubs in such municipality or township for the sale of liquors under the provisions of this act but if a majority of the persons voting on such question vote "No" then

the board shall thereafter have no power to grant or to renew upon their expiration any liquor licenses in such municipality or township under the provisions of this act unless and until the people therein shall at a later time have again voted on the question and decided in the affirmative

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Reed,	Walker,
Cavalcante,	Haluska,	Snowden,	Watkins,
Chapman,	Heyburn,	Stevenson,	Wilson, H. I.,
Crider,	Homsher,	Tallman,	Wilson, T. B.,
Crowe,	James,	Taylor,	Woodward,
Ealy,	Kephart,		

NAYS—9

Barr,	Dent,	McQuiddy,	Ruth,
Coleman,	McGinnis,	Mundy,	Stiefel,
Cox,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for Concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 688, (House Bill No. 885), as follows:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for filling vacancies in the office of township commissioner

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as last amended by the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 296) is hereby further amended to read as follows

Section 530 Township Commissioners When a vacancy occurs in the office of township commissioners in any township by reason of death resignation removal from the township or ward or otherwise the board of township commissioners of such township shall fill such vacancy by appointing by resolution a qualified voter of the ward or township as the case may be in which the vacancy occurs If the board of township commissioners of any township shall refuse fail or neglect or be unable for any reason whatsoever to fill such vacancy within thirty (30) days after the vacancy occurs then the court of quarter sessions shall upon the petition of twenty (20) qualified voters of the ward or township as the case may be in which the vacancy occurs appoint a qualified voter of the township to fill the vacancy In either event the person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy at which

election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Edmonds,	McGinnis,	Taylor,
Bartlett,	Farrell,	McQuiddy,	Thomas,
Becker,	Geltz,	Miller,	Tyler,
Carr,	Haluska,	Mundy,	Wade,
Cavalcante,	Heyburn,	Reed,	Walker,
Chapman,	Homsher,	Ruth,	Watkins,
Coleman,	James,	Snowden,	Wilson, H. I.,
Cox,	Jaspan,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Woodward,
Crowe,	Letzler,	Tallman,	Ziesenheim,
Ealy,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL No. 1004

The Clerk of the House of Representatives being introduced informed the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one, and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN THE AMENDMENTS MADE BY THE HOUSE TO SENATE BILL No. 1004, AND APPOINTS COMMITTEE OF CONFERENCE

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (if the House should appoint such a committee) to consider the differences existing between the two in relation to said bill.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints the Senator from Northampton, Mr. Bartlett; the Senator from Montgomery, Mr. Edmonds; and the Senator from Lackawanna, Mr. Coleman, as said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 697, on third reading, entitled:

An Act proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 701, (House Bill No. 404), on third reading, entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND
FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 724, as follows:

An Act to amend section four hundred one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and

of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as last amended by Section two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-eight (P. L. 92) is hereby amended to read as follows

Section 401 Boards of Trustees of State Institutions The board of trustees of each of the State institutions hereinafter mentioned shall consist of nine members and the head of the department having supervision over the institution ex officio

The terms of the members of each such board shall be four years and until their successors are qualified

Five members of any such board shall constitute a quorum

Each such board shall annually elect a president and vice-president from among its members and a secretary and treasurer who need not be members of the board The secretary and treasurer may be the same person

This section shall apply to

Board of Trustees of Thaddeus Stevens Industrial School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Pennsylvania Soldiers' Orphan School

Board of Trustees West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College

Board of Trustees of Clarion State Teachers' College

Board of Trustees of Cheyney Training School for Teachers

Board of Trustees of Pennsylvania Soldiers' and Sailors' Home

Board of Trustees of Eastern State Penitentiary

Board of Trustees of Western State Penitentiary

Board of Trustees of Pennsylvania Industrial School which upon the completion of the present Pennsylvania Industrial School at Huntingdon for the reception care maintenance detention employment and training of defective delinquents shall thereafter be known as the Board of Trustees of Pennsylvania Institute for Defective Delinquents

Board of Trustees of State Industrial Home for Women

Board of Trustees of Pennsylvania Training School

Board of Trustees of Allentown State Hospital

Board of Trustees of Danville State Hospital

Board of Trustees of Farview State Hospital

Board of Trustees of Harrisburg State Hospital

Board of Trustees of Norristown State Hospital

Board of Trustees of Warren State Hospital

Board of Trustees of Wernersville State Hospital

Board of Trustees of Torrance State Hospital

Board of Trustees of Ashland State Hospital

Board of Trustees of Blossburg State Hospital

Board of Trustees of Coaldale State Hospital

Board of Trustees of Connellsville State Hospital

Board of Trustees of Hazleton State Hospital

Board of Trustees of Locust Mountain State Hospital

Board of Trustees of Nanticoke State Hospital

Board of Trustees of Philipsburg State Hospital
 Board of Trustees of Scranton State Hospital
 Board of Trustees of Shamokin State Hospital
 Board of Trustees of Laurelton State Village
 Board of Trustees of Pennhurst State School
 Board of Trustees of Polk State School
 Board of Trustees of Selinsgrove State Colony for Epileptics

Boards of trustees of such institutions as are acquired by the Commonwealth from any county city or institution district and are used as State mental hospitals under the provisions of act number twenty-one approved the twenty-ninth day of September one thousand nine hundred thirty-eight

Provided that from and after the third Tuesday of January one thousand nine hundred and forty-three the terms of the first three members to be appointed by the Governor to each of the following boards of trustees shall expire on the third Tuesday of January one thousand nine hundred and forty-five and the terms of the next three members to be appointed shall expire on the third Tuesday of January one thousand nine hundred and forty-seven and the terms of the next three members shall expire on the third Tuesday of January one thousand nine hundred and forty-nine the successors to each of the above mentioned members shall be appointed for terms of six years and all appointments thereafter shall be for terms of six years except those to fill vacancies created prior to the end of any term which shall be only for the duration of the unexpired term

Board of Trustees of Thaddeus Stevens Industrial School

Board of Trustees of Pennsylvania State Oral School for the Deaf

Board of Trustees of Pennsylvania Soldiers' Orphan School

Board of Trustees of West Chester State Teachers' College

Board of Trustees of Millersville State Teachers' College

Board of Trustees of Kutztown State Teachers' College

Board of Trustees of East Stroudsburg State Teachers' College

Board of Trustees of Mansfield State Teachers' College

Board of Trustees of Bloomsburg State Teachers' College

Board of Trustees of Shippensburg State Teachers' College

Board of Trustees of Lock Haven State Teachers' College

Board of Trustees of Indiana State Teachers' College

Board of Trustees of California State Teachers' College

Board of Trustees of Slippery Rock State Teachers' College

Board of Trustees of Edinboro State Teachers' College

Board of Trustees of Clarion State Teachers' College

Board of Trustees of Cheyney Training School for Teachers

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Mallery,	Tallman,
Bartlett,	Ealy,	McGinnis,	Taylor,
Becker,	Edmonds,	McQuiddy,	Tyler,
Carr,	Farrell,	Miller,	Thomas,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,

Coleman,
Cox,
Crider,
Crowe,
Deltrick,

Heyburn,
Homsher,
James,
Kephart,
Letzler,

Ruth,
Snowden,
Stevenson,
Stiefel,

Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 729, (House Bill No. 393), on third reading, entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 730, (House Bill No. 647), on third reading, entitled:

An Act relating to the bonds to be given by county officers their deputies clerks and assistants in counties of the second class the amount and conditions thereof the sureties for such bonds the payment of the premiums therefor and the recording and custody thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 748, (House Bill No. 218), on third reading, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale, or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates, limesulphur compounds, and other insecticides and fungicides, and regulating traffic therein; providing for inspection of such materials, and imposing penalties," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale possession for sale, and manufacture of insecticides and fungicides.

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 757, (House Bill No. 717), as follows:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action prosecution or proceeding

The word "state" shall include any territory of the United States and the District of Columbia

The word "summons" shall include a subpoena order or other notice requiring the appearance of a witness

Section 2 Summoning Witness in this State to Testify in Another State If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence that a person being within this State is a material witness in such prosecution or grand jury investigation and his presence will be required for a specified number of days upon presentation of such certificate to any judge of a court of record in the county in which such person is such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing

If at a hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process he shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons In any such hearing the certificate shall be prima facie evidence of all the facts stated therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing and the judge at the hearing being satisfied of the desirability of such custody and delivery for which determination the certificate shall be prima facie proof of such desirability may in lieu of issuing subpoena or summons order that said witness be forthwith taken into custody and delivered to an officer of the requesting state Provided however That such judge may admit the witness to bail by bond with sufficient sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to an officer of the requesting state

If the witness who is summoned as above provided after being paid or tendered by some properly authorized person the sum of ten cents (\$0.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 3 Witness from Another State Summoned to Testify in this State If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State is a material witness in a prosecution pending in a court of record in this State or in a grand

jury investigation which has commenced or is about to commence a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State This certificate shall be presented to a judge of a court of record in the county in which the witness is found

If the witness is summoned to attend and testify in this State he shall be tendered the sum of ten cents (\$0.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court If such witness after coming into this State fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 4 Exemption from Arrest and Service of Process If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom he shall not while so passing through this State be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

Section 5 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 6 Short Title This act may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings"

Section 7 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed and the following acts are hereby expressly repealed

The act approved the fifteenth day of July one thousand nine hundred thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2088) entitled "An act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law"

The act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 401) entitled "An act to further amend sections one and four of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by extending the provisions thereof to include grand jury investigations"

Section 8 Constitutionality If any provision of this act or the application thereof to any person or circumstance is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to

this end the provisions of this act are declared to be severable

Section 9 Effective Date This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Ealy,	Mallery,	Tallman,
Bartlett,	Edmonds,	McGinnis,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Frey,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Dent,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 771, (House Bill No. 1240), as follows:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made

Section 1 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whenever the local authorities in any city of the first class shall on request furnish any applicant a certified copy of the record of any birth death or marriage which birth death or marriage shall have been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An Act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" the fee to be charged for the furnishing of such certified copy shall be One (1) Dollar and for any search of the files and records when no certified copy is requested the fee to be charged by such local authorities shall be fifty (50) cents for each hour or fractional hour of time of search to be paid by the applicant All such fees shall be paid into the treasury of such city

Section 2 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 3 This shall take effect immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Mallery,	Tallman,
Bartlett,	Ealy,	McGinnis,	Taylor,
Becker,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Deitrick,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 773, (House Bill 1255), as follows:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where any city of the first class has by virtue of any general or special Act of Assembly issued or may hereafter issue bonds with or without interest coupons attached to secure any indebtedness of any such city which bonds may have matured but remain unpaid and uncanceled or are about to mature and become payable or whenever any such city shall have the option to redeem or pay any such bonds or whenever holders of any such bonds of any such city which may not have matured or become redeemable are willing to surrender the whole or any part of any issue thereof it shall be lawful for any such city for the purpose of redeeming or paying off any or all such bonds payable redeemable or offered for redemption as aforesaid to issue and sell either registered or coupon bonds bearing interest at a rate not exceeding the rate specified in the bonds to be redeemed and paid and payable at any time not exceeding forty (40) years after the date of issuance thereof and not exceeding in the aggregate the amount of the bonds so redeemed or paid and the said bonds so issued and sold in accordance with the provisions of this act shall be exempt from taxation except for State purposes Provided However that such new bonds shall not mature later than fifty (50) years from the date of issuance of the original bonds and Provided Further that all assets in the Sinking Fund if any for the redemption of the issue of bonds proposed to be refunded shall first be applied to the payment as far as applicable of the principal of such bonds and the balance of such issue only shall be redeemed by the issue of new bonds

Section 2 When any such City shall borrow money and shall issue and sell new bonds for the purpose of redeeming or paying off bonds theretofore issued and proposed to be refunded the authorities of such City shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three (3) successive weeks in at least one newspaper of general circulation published in the County in which such

City shall be situated Provided That no bid for such bonds at less than their par value shall be accepted and Provided Further That where bonds shall be advertised for sale as provided in this act and no bids have been received then it shall be lawful for such City to sell the same at private sale at not less than par and accrued interest and Provided Further That it shall be lawful for such Cities to sell such bonds to the Sinking Fund Commissioners thereof without advertisement at not less than par whenever in the opinion of the Mayor the City Controller and the City Solicitor or a majority of them such sale without advertisement may seem proper or advisable and the Sinking Fund Commission shall thereupon be duly authorized to purchase the said bonds as aforesaid

Section 3 All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed except the provisions of the act approved the fifth day of January one thousand nine hundred thirty-four (P. L. 218 1933-34) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" as amended by the act approved the nineteenth day of June one thousand nine hundred thirty-nine (P. L. 428) which shall remain in full force and effect

Section 4 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent.	Mallery.	Tallman,
Bartlett,	Ealy	McGinnis.	Taylor,
Becker,	Edmonds,	McQuiddy.	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Deltrick,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

MOTION THAT SENATE BILL 776 GO OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 776, on third reading, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators

go over in its order.

The PRESIDENT. Is there objection?

Mr. FARRELL. Mr. President, I object.

Mr. President, I am very sorry but I must object. This bill has gone over in its order three times and I must insist on a vote.

Mr. REED. Mr. President, the gentleman from Philadelphia, Mr. McCreesh, is very much interested in this

bill; he is not here today and I think we owe him the courtesy of allowing the bill to go over in its order until Monday, when he will be present.

Mr. FARRELL. Mr. President, my colleague from Philadelphia, Senator McCreesh, should be familiar with this bill. He has had a lot of time to study it and I have explained it to him. I think the bill ought to go to a vote at this time.

Mr. REED. When this bill was called up yesterday the gentleman from Philadelphia, Senator McCreesh, started for the microphone in order to discuss this bill and in the meantime some one headed him off by having the bill go over in its order. Senator McCreesh is not here today and I certainly think we owe him that courtesy.

Mr. WALKER. Yesterday, Mr. President, when this bill was brought up, the gentleman from Lackawanna, Mr. Coleman, requested that it go over in its order and at that time I attempted to impress upon the members of the Senate the fact that we were desirous of having the bill voted on this week. The gentleman from Philadelphia, Mr. McCreesh, was present during the course of that discussion and he knew of the obvious desire on the part of the Republican Senate to have this bill voted on. Both the gentleman from Philadelphia, Mr. Farrell, and myself expressed ourselves on the floor yesterday of the desire to have this bill come up for vote today.

According to the statistics there are fifty members of this Senate and if each one impresses upon us the right of his Senatorial courtesy to have a bill go over in order, about 1950 we might get a vote on this bill.

I do not want to be discourteous to the distinguished gentleman from Washington, but I also am desirous of having this bill come to a vote today. The gentleman from Philadelphia, Mr. McCreesh, knew this bill was to be voted on today. I appreciate the fact that he is not here but I must ask my colleagues to extend to the gentleman from Philadelphia, Mr. Farrell, the courtesy of having this bill voted on today.

Mr. REED. Mr. President, our colleague from Philadelphia, Mr. McCreesh, very seldom takes the floor in a discussion of any measure, and he is generally here. I think we are setting up a very bad precedent in taking advantage of a man when he is not present. All of us at times must be away from the Senate and I know of no case where these same circumstances were present when that person was not accorded that courtesy. I can not see how one legislative day will make any difference in the consideration of this bill.

The PRESIDENT. There has been objection and unless there is a motion to the contrary, the Senate will now proceed to consideration of the bill.

Mr. WOODWARD. Mr. President, I was informed by the sponsor of the bill that the gentleman from Philadelphia, Mr. McCreesh, really has no complaint against the bill, because those five wards they are all Democratic excepting one, and he is in a very privileged position.

Mr. GELTZ. Mr. President, I find by reference to the History that this bill was reported out as amended on the twentieth day of May. It has been on the Calendar nine days now and I think that is sufficient time.

Mr. REED. Mr. President, I have made a motion to have this bill go over in its order and it has been seconded and I am going to insist upon that motion and ask for a roll call.

The PRESIDENT. The Chair did not understand the

gentleman from Washington made a motion. If he desires to make a motion and it is properly seconded, of course, there will be a vote.

Mr. REED. I want to say further, Mr. President, I never knew of any measure coming up on a Thursday for final action when any member of the Senate requested that a bill go over in its order. This is an unprecedented practice in this Senate, because we generally have taken the position on Thursdays that no bills about which there is any controversy are taken up.

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of information.

Mr. WALKER. Mr. President, I desire to inquire whether the gentleman from Philadelphia, Mr. McCreesh, has leave of absence for today.

Mr. COLEMAN. Mr. President,—

Mr. WALKER. Mr. President, I still have the floor. The gentleman is not going to get that in now.

The PRESIDENT. The answer is no.

Mr. WALKER. That is what I wanted to know, Mr. President.

The PRESIDENT. The Chair bases that statement on the inference that when we came to the order of business of leave of absence the Chair inquired whether there were any requests for leave of absence and there were no such requests. Therefore the only inference the Chair can take is that the gentleman from Philadelphia, Mr. McCreesh, has no leave of absence.

Mr. COLEMAN. Mr. President, this puts me in a most embarrassing position, because with all the earnestness in my heart and soul I say to the members of the Senate, yesterday afternoon my good friend, the gentleman from Philadelphia, Mr. McCreesh, told me he wanted to talk on this bill and he was denied the privilege because the Chair granted me permission to have the bill go over in its order.

The gentleman from Philadelphia, Mr. McCreesh, requested me to ask for leave of absence for him today but my attention was directed elsewhere when that order of business came up before the Senate. I trust nobody doubts my veracity in the Senate, least of all my good friend from Allegheny, Mr. Walker.

The PRESIDENT. What is the Senator's request?

Mr. COLEMAN. Mr. President, I want to explain the reason Mr. McCreesh is not recorded as having asked for a leave of absence, or my failure to ask for leave of absence for him.

Now, Mr. President, I would like to inquire as to what the exact status of the situation is. Are we going to vote on the motion of the gentleman from Washington, seconded by the gentleman from Fayette, that this bill go over in its order?

The PRESIDENT. That is the motion.

Mr. COLEMAN. I ask for a roll call.

Mr. FARRELL. Mr. President, it would be fartherest from my mind not to show any gentleman on the floor all the courtesy in the world, but nobody has brought the truth out as yet. There is more back of this bill than asking that it go over in its order. I permitted this bill to go over in its order three times, once on a motion, two days ago, by the gentleman from Lackawanna. There is some-

thing back of this bill. I know what it is and I am going to insist that the bill be acted on.

Mr. CAVALCANTE. Tell us what it is.

Mr. FARRELL. I do not want to tell you; you folks know.

Mr. WALKER. Mr. President, I want to explain to my colleague from Lackawanna, Mr. Coleman, I appreciate the embarrassing position in which his senatorial duties placed him, because for the moment they drove from his mind the request of the gentleman from Philadelphia, Mr. McCreesh, to ask for leave of absence.

I also want to remind the gentleman from Lackawanna yesterday when he asked the courtesy of having this bill go over in its order I pointed out to him our desire to have this bill voted on today and the gentleman from Lackawanna assured me that he would like to have the bill go over another day because as I remember it then there were certain remarks he desired to make with regard to the bill and he did not want to make them at that time. We have a need to have this bill voted on because as I understand it there is a bill over in the House they would like to toss in our laps.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. COLEMAN and Mr. CAVALCANTE, and were as follows, viz:

YEAS—10

Barr,	Cox,	McQuiddy,	Ruth,
Cavalcante,	Haluska,	Reed,	Stiefel,
Coleman,	McGinnis,		

NAYS—28

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crowder,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Letzler,	Thomas,	Woodward,

So the question was determined in the negative.

The PRESIDENT. The Chair at this time wants to make a statement. At every Session of the Senate, in the regular order of business, the Chair announces leave of absence two or three times, and on a number of occasions where he knew there had been a death in the family of some Senator or that for some other unavoidable reason a particular Senator could not be present, the Chair saw to it a leave of absence was requested for that Senator. Where the Chair has no knowledge of any such occurrence and no response is made to the announcement of the order of business of leave of absence, the Chair takes it for granted the Senator who is absent has not requested any other Senator to request leave of absence, but that he wants, at least as far as his constituents are concerned, that the record show him to be present. For that reason the Chair will continue the past practice of announcing the order of business, leave of absence, two or three times.

Mr. BARR. Mr. President, the Chair will remember when the Session started today the gentleman from Allegheny, Mr. Geltz, asked unanimous consent to call up a bill, which was not in the regular order of procedure. I was not present when the order of business, leave of absence was called.

The PRESIDENT. The Chair must differ with the gentleman from Allegheny, Mr. Barr. The Chair had

in his hand a communication from the Governor which he was about to pass to the reading clerk when the gentleman from Allegheny, Mr. Geltz, arose.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 776, as follows:

An Act to fix the number of Senators in the General Assembly of the State to apportion the State into Senatorial districts as provided by the Constitution and to regulate the election of and terms of office of the present and future elected Senators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Until the next United States decennial census is taken and an apportionment made thereon the Senate shall consist of fifty members and the State is hereby apportioned into fifty senatorial districts each of which shall be known by the number herein attached thereto and shall each be entitled to elect one Senator as follows to wit

First District The first twenty-sixth thirty-sixth thirty-ninth and forty-eighth wards of the city of Philadelphia

Second District The seventh twenty-seventh fortieth forty-sixth and fifty-first wards of the city of Philadelphia

Third District The second third fourth fifth sixth eighth ninth tenth eleventh twelfth thirteenth fourteenth fifteenth sixteenth seventeenth eighteenth and thirtieth wards of the city of Philadelphia

Fourth District The nineteenth twenty-fifth thirty-first thirty-third and forty-third wards of the city of Philadelphia

Fifth District The twentieth twenty-eighth thirty-second thirty-seventh and thirty-eighth wards of the city of Philadelphia

Sixth District The twenty-first twenty-second forty-ninth and fiftieth wards of the city of Philadelphia

Seventh District The twenty-fourth twenty-ninth thirty-fourth forty-fourth and forty-seventh wards of the city of Philadelphia

Eighth District The twenty-third thirty-fifth forty-first forty-second and forty-fifth wards of the city of Philadelphia

Ninth District The county of Delaware

Tenth District The county of Bucks

Eleventh District The county of Berks

Twelfth District The county of Montgomery

Thirteenth District All that part of the county of Lancaster not included in the seventeenth district

Fourteenth District The counties of Carbon Monroe Pike and Wayne

Fifteenth District The county of Dauphin

Sixteenth District The county of Lehigh

Seventeenth District The county of Lebanon and the boroughs of Adamstown Akron Columbia Denver Elizabethtown Ephrata Lititz Manheim Marietta Mount Joy and Mountville and the townships of Clay Conoy East Cocalico East Donegal Elizabeth Ephrata Mount Joy Penn Rapho Warwick West Cocalico West Donegal and West Hempeld in the county of Lancaster

Eighteenth District The county of Northampton

Nineteenth District The county of Chester

Twentieth District The townships of Black Creek Butler Conyngham Dallas Denison Dorrance Foster Fairmount Fairview Hazle Hollenbac Hunlock Huntingdon Lake Lehman Jackson Kingston Nescopeck Plymouth Ross Salem Slocum Sugarloaf Union and Wright and the boroughs of Conyngham Courtdale Dallas Dorranceton Edwardsville Forty-fort Freeland Jeddo Kingston Larksville Nanticoke Nescopeck New Columbus Nuangole Plymouth Shickshinny West Hazleton and White Haven and the city of Hazleton in the county of Luzerne

Twenty-first District The residue of the county of Luzerne not included in the Twentieth district

Twenty-second District The county of Lackawanna

Twenty-third District The counties of Bradford Susquehanna and Wyoming

Twenty-fourth District The counties of Columbia Lycoming Montour and Sullivan

Twenty-fifth District The counties of McKean Potter and Tioga

Twenty-sixth District The counties of Cameron Clarion Clinton Elk and Forest

Twenty-seventh District The counties of Northumberland Snyder and Union

Twenty-eighth District The county of York

Twenty-ninth District The county of Schuylkill

Thirtieth District The counties of Blair and Huntingdon

Thirty-first District The counties of Cumberland Juniata Mifflin and Perry

Thirty-second District The county of Fayette

Thirty-third District The counties of Adams and Franklin

Thirty-fourth District The counties of Centre and Clearfield

Thirty-fifth District The county of Cambria

Thirty-sixth District The counties of Bedford Fulton and Somerset

Thirty-seventh District The counties of Indiana and Jefferson

Thirty-eighth District The 1st 2nd 6th 17th 18th 19th 20th 21st 22nd 23rd 24th and 25th Wards of the City of Pittsburgh in the County of Allegheny

Thirty-ninth District The county of Westmoreland

Fortieth District 26th and 27th Wards of the city of Pittsburgh in the County of Allegheny Boroughs of Aspinwall Avalon Bellevue Ben Avon Ben Avon Heights Blawnox Brackenridge Bradford Woods Cheswick Edgeworth Sinsworth Etna Fox Chapel Glenfield Haysville Lettsdale Millvale Osborne Sewickley Sewickley Heights Sharpsburg Springdale Tarentum and West View in the County of Allegheny Townships of Aleppo East Deer Fawn Frazer Franklin Hampton Harmar Harrison Indiana Kilbuck Leet Marshall McCandless O'Hara Ohio Pine Reserve Richland Ross Sewickley Sewickley Heights Shaler Springdale and West Deer in the County of Allegheny

Forty-first District The counties of Armstrong and Butler

Forty-second District The 28th 29th 30th 31st and 32nd Wards of the City of Pittsburgh in the County of Allegheny Boroughs of Bridgeville Brentwood Carnegie Castle Shannon Coraopolis Crafton Dormont Greentree Heidelberg Ingram McDonald (5th District) McKees Rocks Oakdale Rosslyn Farms and Thornburg in the County of Allegheny Townships of Baldwin Bethel Collier Crescent Findlay Kennedy Moon Mt Lebanon Neville North Fayette Robinson Scott South Fayette Stowe and Upper St Clair in the County of Allegheny

Forty-third District The 3rd 4th 5th 7th 8th 9th 10th 15th and 16th Wards of the City of Pittsburgh and the Borough of Mount Oliver in the County of Allegheny

Forty-fourth District The 11th 12th 13th and 14th Wards of the City of Pittsburgh in the County of Allegheny Boroughs of Chalfant Churchill Edgewood Forest Hills Oakmont Pitcairn Rankin Swissvale Turtle Creek Verona and Wilkinsburg in the County of Allegheny Townships of Braddock Patton Penn Plum and Wilkins in the County of Allegheny

Forty-fifth District Boroughs of Braddock Dravosburg Elizabeth East McKeesport East Pittsburgh Glassport Homestead Liberty Munhall North Braddock Port Vue Trafford (1st District) Versailles Wall Wilmerding West Elizabeth West Homestead and Whitaker in the County of Allegheny Townships of Elizabeth Forward Jefferson Lincoln Mifflin North Versailles Snowden South Versailles and Versailles in the County of Allegheny Third Class Cities of McKeesport Clairton and Duquesne in the County of Allegheny

Forty-sixth District The counties of Green and Washington

Forty-seventh District The counties of Beaver and Lawrence

Forty-eighth District The counties of Venango and Warren

Forty-ninth District The county of Erie

Fiftieth District The counties of Crawford and Mercer

Section 2 The districts as above enumerated shall be based on the decennial census of the United States for the year one thousand nine hundred and forty and shall take the lines and boundaries and include all the territory within the same as said lines and districts respectively existed at the completion of said census

Section 3 The nomination and election of State Senator which the qualified electors of any county or of any part of a county are entitled to elect of themselves unconnected with any other county or district shall be made held and conducted and the return of votes cast at primary and general elections for the nominations and election of such members shall be made computed canvassed and certified as now or hereafter may be provided by law

Section 4 At the general election in the year one thousand nine hundred and forty-two and quadrennially thereafter Senators shall be chosen to serve for four years in the even-numbered districts At the general election in the year one thousand nine hundred and forty-four and quadrennially thereafter Senators shall be chosen to serve for four years in the odd numbered districts

The Senators now in office shall continue in such office and shall respectively represent the districts as herein apportioned in which they reside until the expiration of the terms for which they were elected

Section 5 The act approved the tenth day of May one thousand nine hundred and twenty-one (P L 449) entitled "An act to fix the number of Senators in the General Assembly of the State to apportion the State into Senatorial Districts as provided by the Constitution and to regulate the election of and the terms of office of the present and future elected Senators" and the amendments thereto are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. COLEMAN. Mr. President, when I came into the House of Representatives in 1935, I came to Harrisburg a babe in the legislative woods, so to speak; I had two courses to chart, as I understood, one of being a politician and the other of being a statesman. I had to come down here and penetrate the parliamentary wilderness alone and traverse the legislative highway unaccompanied. I found out some few months later that while I wanted the statesman side of myself to assert itself, you have to be very practical in the consideration of legislation before the House and Senate.

The suggestion of my good friend from Philadelphia, Mr. Farrell, that there was something behind this bill brings to my mind the cry of politics in many things we consider in the Senate of Pennsylvania. On every particular bill that comes in here, Mr. President, somebody or other suggests there is politics back of it, and I want to be very honest and frank, Mr. President, and say that I think there is politics in everything from the Minute Men of Concord to perhaps the College of Cardinals.

One of my favorite American poets is Edgar Guest. Edgar Guest is the poet of the good hearth and the poet of the home; Guest's homespun philosophy is read throughout the world, millions of people daily read what he writes, and in addition to being a great student of human nature,

Guest is also a keen student of politics, as is indicated in this poem which I think is most appropriate in the consideration of this bill:

JUST FOLKS

By EDGAR A. GUEST

NO POLITICIAN

"He would not kiss the babies as he went along his way.
He believed that public business should no more than others pay;

He insisted on insisting on economy in fact,
Which for any politician was a curious way to act.

He said: "I made a promise to the people of the town
If they voted me in office I would cut the taxes down.
And I mean to keep my pledges,"

so he fired a dozen clerks,

Saying: "One is all that's needed,
if he's honest and he works."

He refused to pose for pictures just to further spread
his fame,

And on every civic project he refused to splash his name.
He was early at his office and upon the job he stayed.
He respected all the people, but no favorites he played.

He tried running public business in a private trades-
man's way,

But the things they said about him filled his family with
dismay.

He was honest; he was truthful; he was earnest and sincere,
But he was no politician—so he didn't last a year.

I am delighted this afternoon, Mr. President, to see, while I propose to vote against this bill, that the Senate of Pennsylvania is at last taking cognizance of their constitutional responsibility to reapportion the Senatorial Districts in the Commonwealth of Pennsylvania. I have never been able to understand why, session after session, the legislature has been able to meet and adjourn without living up to what is clearly a mandate under the Constitution of the State of Pennsylvania, and while I am discussing this constitutional question I would like to maintain too it has been never quite clear to me the power of the Senate of Pennsylvania on the matter of confirmation. Notwithstanding, Mr. President, that Constitution specifically provides and many bills that we pass provide that boards and commissions are appointed by and with the advice and consent of the Senate, we violate that constitutional provision and that provision in the act because when we give the Governor our advice he does not pay any attention to it and appoints for the interim those whom we reject or whom we fail to confirm during the legislative session.

Mr. President, I have talked this matter over with some constitutional lawyers and they tell me the legislature has no authority, there is no authority vested in the legislature, to clarify that particular provision of the Constitution and it narrows down to a question of an interpretation of the Constitution.

This particular bill I think is tremendously important to most Republicans in the Senate and, I understand, to one or two of my Democratic colleagues.

Now, in 1937, in the House and Senate there was passed a senatorial reapportionment bill and about the time that myself and others who had aspirations of sitting in this august body were circulating nominating petitions, the Supreme Court of the State of Pennsylvania declared the bill unconstitutional, because somebody, inadvertently or otherwise, omitted some political subdivision of the Com-

monwealth—I think it was the fashionable suburb of Pittsburgh, Sewickley Heights, and one or two others, were omitted from the bill, which rendered it clearly unconstitutional. Under that reapportionment bill Lackawanna County was given two Senators; one Senator was taken away from Philadelphia, which as I understand it, has one Senator representing seventy thousand people as against my Senatorial District, which embraces 301,000 people.

That alone impresses upon us the essentiality of an equitable reapportionment in the State of Pennsylvania and I am voting “no” on this bill—while I may be considered a trifle inconsistent, because I think it is our job to reapportion—I am voting “no” on this bill because I think Lackawanna County for a period of ten or eleven years has been denied a second Senator in the Senate of Pennsylvania because the legislature did not live up to its constitutional mandate, and that is the reason, Mr. President, that I am opposing this Senatorial reapportionment bill.

Mr. STIEFEL. Under this bill, Senate Bill 776, the Fifth Senatorial District, which I represent in the Senate of the General Assembly, will become what I would call a Democratic stronghold, a thing which can never be conquered, which will perpetuate a Democratic Senator in that district.

I have been accused of being favorably inclined to this bill, for selfish interests, and for that reason, Mr. President, I am not going to cast my vote on this measure.

Mr. CARR. Mr. President, I presume it might not be necessary for me to explain my vote on this bill, but I am still wondering a whole lot about what is going on here. A babe in the woods, has been referred to—I am still more of a babe in this session than the gentleman from Lackawanna was, but I think I can explain the situation of a good many of us here by quoting a little poem, not by Edgar Guest, not by anybody else but myself. It is entitled “Legislators” and it is as follows:

LEGISLATORS

In the Senate or the House,
If you're quiet as a mouse
And just keep listening in
without a word,
There are lots of things you'll
learn
And you'll readily discern
That much of it is really
quite absurd.

There are chestnuts from the fire
To be pulled at the desire
Of some fellow who would have
you think that he
Is the most unselfish creature
Without one single feature
Such as should not in his com-
position be.

Every fellow who is there,
Feels his duty is to share
The things of which he only is
possessed;
And to give you all the dope
With a deeply cherished hope

That his selfish motives never
will be guessed.

Oh, there's lots of heat and fire,
And sometimes you'll find a liar
Who will try to make you think
that black is white;
But by deep and careful thinking,
Ears wide open, eyes not blinking,
You'll be lucky if you choose
the thing that's right.

And of course there's hardly one
Who is really not in fun,
Who declares that he is not a
candidate;
But that he would gladly bear
All the burdens that are there
If we'd just elect him gov'nor
of the state.

Say, it's been a lot of pleasure
Just to try to take the measure
Of the fellows who are working
on the hill;
And to find the little joke
There inserted by the bloke
Who presents what seems a very
simple bill.

But while I am criticising
All these boys so enterprising,
I wonder what they're thinking
about me;
And, by golly and by thunder,
I've just now begun to wonder
Whether I'm the man I think
myself to be.

Mr. FARRELL. Mr. President, in response to the Statement of the gentleman from Lackawanna, Senator Coleman, just what he said is what I am trying to do. I am doing away with that district which only has seventy thousand votes; I am wiping out Mr. Kephart's district and putting Mr. Kephart's district into Mr. Jaspán's district, and it is doing just what they want.

Mr. President, there is not Democrat in this Senate, from Philadelphia, excepting Mr. McCreesh, who is not tickled to death with this bill. They may not say so publicly but they personally told me so.

Mr. President, I do not like to go into this, but this is a fair bill and I think it is a fair apportionment, very fair, and there is no reason why this bill should not pass.

Mr. BARR. Just to keep the record straight, Mr. President, with this bill as drawn I could be here fifty years; it fixes me up in good shape, but it is a reapportionment bill for Allegheny and Philadelphia Counties and I do not think that is the type of bill we want. I know the bill will pass and go over to the House and in time it will be sent to a conference committee, but I cannot sit idly by and vote “yes” in a selfish way so from a party viewpoint I am going to vote “no”.

And the question recurring,
Will the Senate agree to the bill?
(During the calling of the roll):

Mr. FARRELL. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.
The Clerk will call the roll of those voting in the affirmative.

The affirmative votes were as follows:

Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Haluska,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Letzler,	Thomas,	Woodward,
Edmonds,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk will call the roll of those voting in the negative.

The negative votes were as follows:

Barr,	Cox,	McQuiddy,	Reed,
Cavalcante,	McGinnis,	Mundy,	Ruth,
Coleman,			

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

The affirmative vote 29—negative 9.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Haluska,	Snowden,	Walker,
Chapman,	Heyburn,	Stevenson,	Watkins,
Crider,	Homsher,	Tallman,	Wilson, H. I.,
Crowe,	Kephart,	Taylor,	Wilson, T. B.,
Ealy,	Letzler,	Thomas,	Woodward,
Edmonds,			

NAYS—9

Barr,	Cox,	McQuiddy,	Reed,
Cavalcante,	McGinnis,	Mundy,	Ruth,
Coleman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 785, on third reading, entitled:

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational education; and making provision for additional types of vocational education for which funds may be provided by Congress.

go over in its order, the bill not being up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WALKER. Mr. President, with the consent of the

sponsor, I ask unanimous consent that Senate Bill No. 787, on third reading, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employee of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 791, (House Bill No. 104), as follows:

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. Section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as last amended by the act approved the eleventh day of May one thousand nine hundred and thirty-nine (P. L. 116) is hereby further amended to read as follows

Section 7 Application for compensation shall be made to the Adjutant General on such forms and in such manner as he shall prescribe

All applications shall be made (1) personally by the veteran or (2) in case of death or mental incompetency preventing the making of a personal application then by such representative of the veteran as the Adjutant General shall by regulation prescribe An application made by a representative other than one authorized by such regulation shall be held void

The Adjutant General shall not accept or consider any application filed with him after the first day of July one thousand nine hundred and forty-four

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Mallery,	Tallman,
Bartlett,	Ealy,	McGinnis,	Taylor,
Becker,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsner,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Detrick,	Letzier,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 802, as follows:

An Act to further amend section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for sabbatical leaves of absence for employees of State teachers colleges and the Cheyney Training School for Teachers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was added by the act approved the first day of July one thousand nine hundred and thirty-seven (P L 2579) and amended in part by the act approved the twenty-sixth day of May one thousand nine hundred and thirty-nine (P L 216) is hereby further amended to read as follows

Sabbatical Leaves of Absence

Section 1216 (a) Whenever any person employed in the public school system or a State teachers college or the Cheyney Training School for Teachers of this Commonwealth shall have completed ten years of satisfactory service as a teacher at least five consecutive years or less at the discretion of the board of school directors or the board of trustees as the case may be of which service shall have been in the school district or State teachers college or the Cheyney Training School for Teachers from which leaves of absence is sought or in first class school districts as a member of the instructional staff or department of instruction as now defined by the local board of education such person shall be entitled to a leave of absence for restoration of health study or travel or at the discretion of the board of school directors or the board of trustees for other purposes for a half or full school year at the option of such person Thereafter one leave of absence shall be allowed after each seven years of service

(b) No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district or the State teachers college or the Cheyney Training School for Teachers as the case may be for a period of not less than one year after such leave of absence

(c) No such leave of absence shall be considered a termination or breach of the contract of employment and the person on leave of absence shall be returned to the same position or positions in the same State teachers college or the Cheyney Training School for Teachers or school or schools he or she occupied prior thereto

(d) The person on leave of absence shall receive the difference between his or her regular salary and the salary paid to any substitute employee temporarily engaged because of such leave Provided That the employee who is absent on sabbatical leave shall not receive more than one thousand six hundred dollars (\$1,600) from the school district or not more than two thousand dollars (\$2,000) from the State teachers college or the Cheyney Training School for Teachers if the employ's absence or sabbatical leave is for a full year and not more than eight hundred dollars (\$800) from the school district or not more than one thousand dollars (\$1,000) from the State teachers

college or the Cheyney Training School for Teachers if the employee's absence on sabbatical leave is for a half school year as defined in this act. The salary paid to such substitute shall be the salary for substitute service according to the salary schedule established by the local board or boards of trustees as the case may be.

(e) Application for leaves of absence shall be given preference according to the years of service since the previous sabbatical leave of the applicant and in accordance with regulations adopted by the board of school directors or the board of trustees pursuant to the provisions of this section.

(f) No school district or State teachers college or the Cheyney Training School for Teachers shall limit the number of leaves of absence granted in any school year to less than ten per centum of the number of persons eligible for such leave of absence regularly employed in such district or State teachers college or the Cheyney Training School for Teachers. Provided however That schools which have a staff of seven or less teachers shall be permitted at least one leave of absence each year.

(g) Every person on leave of absence shall retain the right to make contributions as a member of the School Employees' Retirement Fund and continue his or her membership therein.

(h) Nothing in this section shall be construed to prevent any person on leave of absence from receiving a grant for further study from any institution of learning.

(i) A sabbatical leave granted to a regular employee shall also operate as a leave of absence without pay from all other school activities.

(j) Every employee while on sabbatical leave of absence shall be considered to be in regular full-time daily attendance in the position from which the sabbatical leave was taken during the period of said leave for the purpose of determining the employee's length of service and the right to receive increments as provided by law.

(k) A member of the teaching or supervisory staff while on sabbatical leave of absence shall for all purposes be viewed in law as a full-time teacher supervisor principal or other full-time member of the teaching and supervisory staff as the case may be and while on sabbatical leave he or she shall enjoy all the rights and privileges of an employee in regular full-time daily attendance in the position from which sabbatical leave of absence was granted and during the period of said leave the Commonwealth shall pay to the school district or State teachers college or the Cheyney Training School for Teachers for each member of the teaching and supervisory staff thereof who is on sabbatical leave of absence the same per centum or share of salary provided for by law as if the employee was in regular daily full-time attendance in the position from which the sabbatical leave of absence was taken and in cases of employees of approved local or joint vocational industrial vocational home economics and vocational agricultural schools or departments who are on sabbatical leave the school district shall be reimbursed as provided by law for each of their full-time salaries just as though such employees were in daily attendance upon their respective duties.

(1) The board of school directors or board of public education or board of trustees shall have the right to make such regulations as they may deem necessary to make sure that employees on leave as provided by this act shall utilize such leave properly for the purpose for which it was granted requiring reports from the employee or employees on leave in such manner as they may deem necessary.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Mallery,	Tallman,
Bartlett,	Ealy,	McGinnis,	Taylor,
Becker,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Detrick,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 806, as follows:

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further regulating sabbatical leaves for certain school employees.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Clause (a) of section one thousand two hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-fifth day of May one thousand nine hundred thirty-nine (P L 216) is hereby further amended to read as follows:

Section 1216 (a) Whenever any person employed in the public school system of this Commonwealth shall have completed ten years of satisfactory service as a teacher at least five consecutive years or less at the discretion of the board of school directors of which service shall have been in the school district from which leave of absence is sought or in first class school districts as a member of the instructional staff or department of instruction as now defined by the local board of education such person shall be entitled to a leave of absence for restoration of health study or travel or at the discretion of the board of school directors for other purposes for a half or full school year or for two half school years during a period of two years at the option of such person. Thereafter one leave of absence shall be allowed after each seven years of service.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 42

Barr,	Dent,	Mallery,	Tallman,
-------	-------	----------	----------

Bartlett,
Becker,
Carr,
Cavalcante,
Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deitrick,

Ealy,
Edmonds,
Farrell,
Geltz,
Haluska,
Heyburn,
Homsher,
James,
Kephart,
Letzler,

McGinnis,
McQuiddy,
Miller,
Mundy,
Reed,
Ruth,
Snowden,
Stevenson,
Stiefel,

Taylor,
Thomas,
Tyler,
Wade,
Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMENDED

Mr. THOMAS B. WILSON. Mr. President, I move that Senate Bill No. 822, on third reading, entitled:

An Act to further amend section one thousand one hundred and thirty-four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for and regulating the tenure of office and salaries of district and assistant district superintendents.

be recommitted to the Committee on Education.

Mr. BECKER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 864, (House Bill No. 1270), as follows:

An Act to further amend sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections one, two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An Act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" as amended by the Act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 438) are hereby further amended to read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That after the effective date of this act it shall be unlawful for any person, co-partnership association or corporation to operate for profit within this Commonwealth a private nursing home or private hospital for persons requiring care, treatment or nursing by reason

of sickness, injury, infirmity or other disability without a license as hereinafter required but this act shall not be construed to apply to any State or State-aided institution or any institution licensed by the Department of Welfare under other statutes.

Section 2 Every person, copartnership, association or corporation desiring to operate for profit such a private nursing home or private hospital shall file an application for a license with the Department of Welfare. The application shall be on a form prescribed prepared and furnished by the Department of Welfare and together with such other information as the department shall require shall state.

(a) The name and address of the applicant and the person to be in charge of said home or hospital. If the applicant is a co-partnership, association or corporation the application shall state the names and addresses of all the partners and officers as the case may be.

(b) The location of the private nursing home or hospital and if the applicant is a corporation, association or partnership the state of incorporation or organization.

(c) The facilities of the private nursing home or hospital for the care, treatment or nursing of patients or inmates including sanitary and fire protection facilities.

Section 7 Any person or any or all officers or partners of any partnership association or corporation maintaining or operating for profit within this Commonwealth a private nursing home or private hospital without a license required by this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one year or both.

Section 2 Nothing contained in this act or any other act shall be construed to provide for the licensure and regulation of nursing homes and hospitals operating on a non-profit basis.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	Dent,	Mallery,	Talman,
Bartlett,	Ealy,	McGinnis,	Taylor,
Becker,	Edmonds,	McQuiddy,	Thomas,
Carr,	Farrell,	Miller,	Tyler,
Cavalcante,	Geltz,	Mundy,	Wade,
Chapman,	Haluska,	Reed,	Walker,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Stiefel,	Woodward,
Deitrick,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 888, on third reading, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 889, on third reading, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

go over in order.

The PRESIDENT. Is there objection? The chair hears none.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 1004 AND APPOINTS COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives being introduced, informed the Senate that the House insists on its amendments non-concurred in by the Senate to Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

and has appointed Messrs. Achterman, Flanagan and Turner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the difference existing between the two houses in relation to said bill.

REQUEST THAT SENATE RECESS

Mr. GELTZ. Mr. President, I suggest that the Senate do now take a recess until 3:30 o'clock, E. S. T., in order that the Conference Committee may proceed with consideration of Senate Bill No. 1004.

Mr. CAVALCANTE. Mr. President, before we recess I should like the courtesy of being permitted to make a report from committee at this time and also to request leave of absence.

The PRESIDENT. The gentleman from Fayette will make his report from committee.

REPORT FROM COMMITTEE

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1040, entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini

one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen, towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

LEAVE OF ABSENCE

Mr. CAVALCANTE asked and obtained leave of absence for himself, for the balance of the week.

Mr. REED asked and obtained leave of absence for himself, for the balance of the week.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, I have some comments I desire to make on Senate Bill 701, (House Bill 404), appearing on page ten of today's Calendar, and I wonder if the gentleman from Allegheny, Mr. Geltz, will allow me the courtesy of agreeing that this bill go over in its order until next Monday?

The PRESIDENT. For the information of the Senate the bill in question has not come up from the printer and therefore can not be acted upon.

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Fayette.

The PRESIDENT. He is not present. He requested leave of absence.

Mr. WALKER. I do not think he is absent, Mr. President.

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Yes, Mr. President.

Mr. WALKER. I understood the Senate had taken a recess, Mr. President.

The PRESIDENT. Not yet.

Mr. WALKER. While I was absent from the floor, Mr. President, I heard a rumor the gentleman from Fayette had requested that Senate Bill 701 go over in its order.

REPORTS FROM COMMITTEES

Mr. COX. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COX, from the Committee on Military Affairs, reported as committed, Senate Bill No. 1019, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

Mr. CAVALCANTE. The bill is not as yet up from the printer, and in addition I have some remarks I should like to make on this bill, on Monday.

Mr. WALKER. Mr. President, I will be perfectly willing to listen to the remarks of the gentleman from Fayette

next Monday, but I would like to have the bill voted on today. I appreciate the fact that the bill is not up from the printer, but I certainly object to it going over in its order as I would like to get it disposed of. It has been on our Calendar for some time.

Mr. THOMAS B. WILSON. Mr. President—

The PRESIDENT. The business of the Senate must be conducted in an orderly manner. The gentleman from Allegheny, Mr. Walker, has the floor and will be permitted to proceed.

Mr. WALKER. Mr. President, I am sorry there is a difference of opinion at the time this conference committee desires to have a meeting.

I understood the Senate had taken a recess and therefore left the floor of the Senate. Of course the fault is mine and not the Chair's, because the Chair had not announced the recess, but I understood the Senate had recessed and I left the Senate floor and I am now advised this bill has gone over in order.

The PRESIDENT. The Chair understands that is correct.

Mr. WALKER. Mr. President, I am now in what is known as a dilemma.

Now, Mr. President, after conferring with my colleague, Mr. Geltz, from the great state of Allegheny, I withdraw my objection to the request of the gentleman from Fayette.

The PRESIDENT. As an evidence of the harmony existing.

Mr. WALKER. It is only a temporary truce, Mr. President.

Mr. CRIDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, from the Committee on Military Affairs reported as committed, Senate Bill No. 1017, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what officers are incompatible," by specifically exempting persons serving in the armed forces of the United States.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1021, entitled:

An act to add section six hundred seventeen and one-tenth to the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 3:30 o'clock, p. m., E. S. T.

Mr. CHAPMAN. Mr. President, I second the motion
The motion was agreed to

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

HOUSE MESSAGES

HOUSE NON-CONCURS IN AMENDMENTS MADE BY SENATE TO HOUSE BILL NO. 230

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 230, entitled:

An Act making an appropriation to the Department of Military Affairs for the payment of certain moral claims; providing for the hearing, adjustment, and paying of moral claims of persons injured and dependent relatives, members of families and personal representatives of persons killed, through negligence in the operation of trucks of, or under the control of, the Pennsylvania National Guard.

MOTION THAT SENATE INSISTS UPON ITS AMENDMENTS

Mr. GELTZ. Mr. President, I move that the Senate do now insist upon its amendments to House Bill No. 230.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 234

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 234, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (Pamphlet Laws, two hundred ninety-two), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

MOTION THAT SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 234

Mr. GELTZ. Mr. President, I move that the Senate do now insist upon its amendments non-concurred in by the House to House Bill No. 234.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE NON-CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 663

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

MOTION THAT SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY HOUSE TO HOUSE BILL NO. 663

Mr. GELTZ. Mr. President, I move that the Senate do now insist upon its amendments non-concurred in by the House to House Bill No. 663.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL NO. 32

He also returned to the Senate, Senate Bill No. 32, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 551

He also returned to the Senate, Senate Bill No. 551, entitled:

An Act to amend route 25008 of section two of the act

approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL NO. 552

He also returned to the Senate, Senate Bill No. 552, entitled:

An Act to abolish and repeal route 25008 in Girard Township Erie County established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons and associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act."

with the information that the House has passed the same without amendments.

MOTION TO PROCEED TO SECOND READING CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now proceed with the second reading Calendar, beginning with Page 20.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 56, entitled:

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 174, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Common-

wealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Erie.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 351, entitled:

An Act authorizing the sheriffs in counties of the sixth, seventh, and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county, and prescribing the duties and limiting the compensation of such solicitors.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 444, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, abolishing County of Philadelphia as a separate political entity; and providing for administering of county functions by City of Philadelphia.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 463, entitled:

An Act to amend sections one and three of the act, approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 478), entitled "Conferring authority on the Department of Highways, or any county or township, to enter upon private property adjacent to any public

road of highway, and place thereon snow fence, between November first and April first of the succeeding year; providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highways to the owner of adjacent property; and repealing certain acts," by including the Pennsylvania Turnpike Commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 467, entitled:

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom; and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 472, (House Bill No. 690), on second reading, entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles and garage keepers, providing that records are admissible as evidence, imposing upon owners counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles.

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 482), entitled:

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by providing that sections of highways abandoned by relocation shall be maintained by and at the expense of the township, borough, incorporated town or city wherein they are located, and by adding a new section to provide that portions or sections of the old highway which are not included within the changed, altered or established widths, shall be considered vacated if such portions or sections are not of the full width of the highway as previously established.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 486, on second reading, entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 667, entitled:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 690, (House Bill No. 1088), entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold excepting on-sale licensees and the wives of on-sale licensees providing penalties for a violation thereof repealing all inconsistent legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 702, (House Bill No. 752), on second reading, entitled:

An Act authorizing cities of the second class A, with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals, within such cities.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. EDMONDS. Mr. President, I move that further consideration of Senate Bill No. 740, on second reading, entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions, and imposing certain duties upon the juvenile court.

be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 758, (House Bill No. 727), on second reading, entitled:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway, and providing for their construction and maintenance by the Commonwealth, subject to certain terms and conditions

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 784, on second reading, entitled:

An Act to amend section four hundred three of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds and certain State departments, commissions, and officers; author-

izing certain local public officers and State department to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provisions of said act.

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 801, entitled:

An Act to validate and confirm certain contracts, heretofore entered into by boards of school directors, where there is no evidence of fraud or conspiracy, and to authorize, ratify, confirm, and validate payments on such contracts by the school district.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 813, (House Bill No. 896), entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 859, (House Bill No. 724), entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," and further regulating the form and contents of county auditors reports.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 891, (House Bill No. 753), entitled:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 913, on second reading, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby.

be postponed for the present.

Mr. ZIESENHEIM. Mr. President, I second the motion. The motion was agreed to.

BILL OVER IN ORDER

Mr. BARTLETT. Mr. President, I ask unanimous consent that Senate Bill No. 922, (House Bill No. 900), on second reading, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 929, (House Bill No. 1510), entitled:

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective as assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 934, on second reading, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1006, entitled:

An Act to amend Route 18033 established by amendment to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1018, entitled:

An Act making an appropriation to the State Treasurer for the purposes of paying salaries of State officers and employes in the interim between the thirty-first day of May, one thousand nine hundred forty-one and such time as the funds provided by The General Appropriation Act of one thousand nine hundred forty-one become available,

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1023, entitled:

An Act to further amend Section 1033 of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1044, on second reading, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement

system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none

BILLS INTRODUCED

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 1054, entitled:

An Act to amend sections four, five, thirty, thirty-one and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars; inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1055, entitled:

An Act to amend sections five, six, thirty-one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real

estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1056, entitled:

An Act adopting the song "Pennsylvania" as the State song of Pennsylvania.

Which was committed to the Committee on State Government.

SENATE BILL No. 748 (HOUSE BILL No. 218) CALLED UP ON THIRD READING

Mr. HOMSHER. Mr. President, I now call up Senate Bill No. 748, (House Bill No. 218), on third reading, page 11 of the Calendar, which went over in its order.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 748, (House Bill No. 218), entitled:

An Act to further amend section three and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein, providing for inspection of such materials and imposing penalties," by imposing additional duties on the Secretary of Agriculture and further regulating the sale, possession for sale and manufacture of insecticides and fungicides.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent to offer the following amendment: Amend page 3, by adding after line 6, the following new paragraph: "Section 3. This act shall become effective on the first day of January one thousand nine hundred forty-two."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 904 (HOUSE BILL No. 1543) CALLED UP ON THIRD READING

Mr. TALLMAN. Mr. President, I now call up Senate Bill No. 904, (House Bill No. 1543), on third reading, page 15 of the Calendar, which went over in order.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. TALLMAN. Mr. President, I ask unanimous consent to offer the following amendments.

Amend Section 1, page 3, line 9, after the word "effect" and before the word "and," by inserting the following words: "by such priest, minister or other officer."

The PRESIDENT. Is there objection. The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL NO. 1005 CALLED UP FROM THIRD READING

Mr. WALKER. Mr. President, I now call up Senate Bill No. 1005 on third reading, page 17 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. WALKER. Mr. President, I ask unanimous consent that Senate Bill No. 1005, on third reading, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 46 CALLED UP ON FINAL PASSAGE

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 46, on final passage, Page 3 of the Calendar, which was not up from the printer.

Mr. CHAPMAN. Mr. President, I second the motion.
The motion was agreed to.

Mr. COLEMAN. Mr. President, if I may be permitted to make a statement, I do not think the members of the Senate appreciate the importance of the bill we are voting on and I think they should be apprised of that fact. I do not think anybody is paying any attention to what bill is being acted upon.

BILL OVER IN ORDER

Mr. CHAPMAN. Mr. President, I ask unanimous consent that Senate Bill No. 46, on final passage, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 185, as follows:

An Act to further amend section two of and to add section two and one-tenth to the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption" as amended by the act approved the twenty-sixth day of April one thousand nine hundred twenty-nine (P. L. 822) is hereby further amended to read as follows

Section 2 Consents Necessary to Adoption Consent to the adoption is necessary as follows

(a) Of the person proposed to be adopted if over twelve years of age and of said person's husband or wife if any

(b) Of the adopting parent's husband or wife unless they jointly adopt such person

(c) Of the parents or surviving parent of the person proposed to be adopted if such person shall not have reached the age of eighteen years except that in the case of an illegitimate child the consent of the mother only is necessary unless the father has acknowledged such child but the consent of a parent who has been adjudged a lunatic or habitual drunkard or who has abandoned the child is unnecessary provided such fact is proven to the satisfaction of the court or judge hearing the petition in which case such court or judge shall so find as a fact

(d) If the person proposed to be adopted has no father or mother living or whose consent is necessary hereunder then of the legal guardian if any there be and of the person or persons having the legal custody of such child if any such person can be found but if such child has no father or mother living or whose consent is necessary hereunder and no legal guardian and no person can be found who has the legal custody of such child and the same be proven to the satisfaction of the court or judge hearing the petition the said court or judge shall so find as a fact

(e) If the person proposed to be adopted has theretofore been adopted then of such adopting parents or surviving adopting parent subject to the same exception provided in clause (c) of this section in the case of natural parents

Section 2 Said act is hereby amended by adding thereto after section two a new section to read as follows

Section 2.1 When the person proposed to be adopted shall have reached the age of eighteen years and has not reached the age of twenty-one years and such person shall have lived for at least ten continuous years with the

adopting parent or parents consent of the parent or parents shall not be necessary and notice of the proposed adoption proceedings need not be given by publication or otherwise to the parent or parents of the person proposed to be adopted unless the court shall deem it necessary and so orders

When the person proposed to be adopted shall have reached the age of twenty-one years notice of the proposed adoption proceedings shall not be required to be given by publication or otherwise to such persons' parent or parents

Section 3 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Barr,	Ealy,	Mallery,	Thomas,
Becker,	Edmonds,	McGinnis,	Tyler,
Carr,	Farrell,	Ruth,	Wade,
Chapman,	Geltz,	Snowden,	Walker,
Coleman,	Homsher,	Stevenson,	Watkins,
Cox,	James,	Tallman,	Wilson, H. I.,
Crider,	Kephart,	Taylor,	Wilson, T. B.,
Crowe,	Letzler,		

NAYS—3

Bartlett,	Miller,	Woodward,
-----------	---------	-----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 818, (House Bill No. 1324), on final passage, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 66, as follows:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as last amended by the act approved the twenty-first day of April one thousand nine hundred and thirty-seven (P. L. 329) is hereby further amended to read as follows

Section 439 Duties of Grave Registrar and Compilation of War Records

* * * *

For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war in which the United States was engaged the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War through their local camps posts and branches in this State are authorized without expense to the county to collect the required data and prepare and file with the county commissioners certificate embodying the information provided for in this section For the purpose of carrying into effect the provisions of this section the county commissioners shall appoint a veterans' grave registrar who shall receive such compensation as the salary board may fix in counties where such boards exist otherwise by the county commissioners

It shall also be the duty of the Veterans' Grave Registrar to assist war veterans and their families in securing their rights as such in matters relating to their personal property and care of family under any of the laws of this Commonwealth and of the United States and for such services the Grave Registrar shall be entitled to his expenses incurred therein and additional compensation and both expenses and compensation shall be subject to the approval of the salary board or county commissioners as the case may be.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Ruth,	Walker,
Coleman,	Homsher,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson, H. I.
Crider,	Kephart,	Tallman,	Wilson, T. B.,
Crowe,	Letzler,	Taylor,	Woodward,
Ealy	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 555, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven

(P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mother's assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by regulating the use or disclosure of public assistants lists and records and adding to penal provisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section thirteen of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as amended by section three of the act approved the twenty-sixth day of June one thousand nine hundred and thirty-nine (P. L. 1091) is hereby further amended by adding a new subsection subsection (c) as follows

Section 13 Penalties

* * *

(c) The Department of Public Assistance shall have power and authority to make and enforce rules and regulations

(1) To insure the names and lists of applicants and recipients or persons applying for or receiving assistance of any type covered by the Public Assistance provision of the Federal Social Security Act against improper publication

(2) To restrict the use of such information furnished other officials departments or persons to purposes connected with the administration of Public Assistance

(3) To afford adequate protection to the rights and interests of persons with respect to whom personal or confidential information is in its possession

(4) All such rules and regulations shall be kept on file with the Department and shall be open to the public

(5) Such rules and regulations shall not prevent or interfere with investigations by the proper authorities as to the rights of individuals or groups to receive such assistance or aid or the amount of the same

(6) Any person knowingly violating any of the rules and regulations of the department made in accordance with this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or to undergo imprisonment not exceeding six (6) months or both at the discretion of the court

Section 2 The provisions of this act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, I wish to make a few remarks on this bill, Senate Bill 555, provides that the Department of Public Assistance may make rules and regulations to keep secret the names of those who receive old age assistance in part from the Federal Government or as dependent children or blind persons. It is with the greatest reluctance that I vote for this bill.

The Social Welfare bureaucrats at Washington have secured the passage of an amendment of the Social Security Law which makes necessary the adoption of an act like this, if we shall continue to receive Federal aid in our relief problem. At this time it seems necessary to accede to their demands.

Of course the Federal money borrowed to pay Pennsylvania for assistance to the aged, etc., will have to be paid back by Pennsylvania in the fifty or seventy-five years to come. So the situation is simply that we are bribed with our own money to surrender our rights to those persons with an exaggerated social welfare complex who have charge of these matters at Washington.

Things have come to a sorry pass when the hard working people of this Country are forced to provide charity for a lot of unknowns, many of whom are living in idleness much better at public expense than they ever lived in the rosy days of National prosperity. The business of relief is a local matter. The people of this Country are by nature charitable. No one would let his neighbor suffer for want if he could share his food with him.

But our system of relief destroyed our instincts for charity when it passed to the cold hand of State and Federal bureaucracy, and the cost of relief was multiplied many fold, thus destroying incentive in the individual and causing a hopeless situation.

If our leaders would only read history they would find that an almost precisely similar situation existed in England in the beginning of the 19th Century and after a period of 40 or 50 years the condition had become so bad that England was saved only by a return to the old system.

Here in Pennsylvania the centralization of relief was a deplorable mistake. The abolition of the local poor boards was extremely bad, and I sincerely feel that the condition can only be corrected by doing what I urged back in the Pinchot administration—tearing the whole system out by its roots and returning the relief administration to the local authorities.

I have always regretted that Pennsylvania sought Federal Assistance in its relief problem. It was a matter of great chagrin to me that the leaders in this great Commonwealth felt it necessary to admit that we could not feed those who wanted relief.

We could have fed them. If we had organized properly for distribution of our surplus grains and fruits and vegetables—we could have supplied the whole population without anyone missing a meal.

When Pennsylvania took aid from Washington of course other states did the same and when the bill is finally paid Pennsylvania will certainly contribute more than its share.

When the Federal Government did grant aid by giving back some of our own money, it should have issued only the most general rules and regulations for its expenditure.

When we continue to pass such bills as this before us we take one additional step in surrendering state rights. I hope the time will soon come when we have officials

here in Harrisburg and representing us in Washington who will have the courage to break up this system which, if continued, will destroy us.

Mr. WOODWARD. Mr. President, if I may add a postscript to the remarks of the President Pro Tempore, I would like to state as a matter of interest I have in my desk two bills, one bill dealing with unemployables and the other with employables. The first bill provides that the unemployables, who are always with us and always I suppose will be with us, be consigned to the Department of Welfare.

The second bill treats with the employables and provides that the employable will be consigned to the Department of Labor and Industry.

Both bills provide that after January 1, 1943, there will be no longer a Department of Assistance. These two bills I will either keep in my desk or hand over to the Department of Health for safe-keeping, because the Governor having changed his mind and taken over the mental hospitals—I have nothing against him—therefore I will pigeonhole these two bills.

Mr. COX. Mr. President, I did not realize when I first read this bill that it was the medium for a wholesale attack on the relief measures which have been passed in this Senate and in this Assembly and the Congress of the United States, which had for their purpose the handling of one of the most difficult situations we have ever met in the history of our country.

I resent, not only for myself but for the great Democratic Party, the implications in the speech of the gentleman from Somerset, Mr. Ealy. I live in a great industrial community, a community that has in the past done much to make our great country the country it is, and I have had the unhappy and unfortunate experience of seeing an entire industrial town dissolved, I have had the unhappy experience of seeing old friends and old neighbors, people who have worked hard and people who did not want charity, forced into a position where they had to appeal to the great Commonwealth of Pennsylvania to enable them to live.

The attack of the gentleman from Somerset, Mr. Ealy, on the great work that has been done in this state has been, I think, tremendously unwarranted and I regret when I read this bill I did not know he was going to make a speech, as I would have liked to have put myself in a position statistically to answer the accusations he has made.

Mr. EALY. Mr. President, if the Senator from Allegheny, Mr. Cox, had followed what I said, he would have known there was no attack on those who really are entitled to relief. I am surprised he takes the position that the authorities in Allegheny County could not administer relief.

I was here when the relief system was first started. It was started under what was known as the Talbot Act, and under that system the state contributed money to the counties for administering their own relief. I voted for that bill in which we contributed money to Allegheny County and to all the other counties of the state, and I maintain it was administered much better in that way than it has been administered since by the centralization of relief.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Edmonds,	McGinnis,	Thomas,
Bartlett,	Farrell,	McQuiddy,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Heyburn,	Ruth,	Walker,
Chapman,	Homsher,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson, H. L.,
Cridler,	Kephart,	Tallman,	Wilson, T. B.,
Crowe,	Letzler,	Taylor,	Woodward,
Ealy,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 785, as follows:

An Act to further amend section nine of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" further regulating State reimbursements to school districts for vocational education and making provision for additional types of vocational education for which funds may be provided by Congress

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursements thereof by the State" as last amended by section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 795) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of approved local or joint vocational industrial vocational homemaking and vocational agricultural schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such schools or departments by order on the State Treasurer signed by the Superintendent of Public Instruction as the executive officer of the State Board for Vocational Educational from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the amounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of twenty-five per centum (25%) of

the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars (\$200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars (\$100,000) and not more than two hundred thousand dollars (\$200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of not more than one hundred thousand dollars (\$100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments Provided That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both

Whenever two or more school districts unites by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall as provided in this act pay annually from the treasury to such unions of school districts the sum of five hundred dollars (\$500) so long as such joint agreement is in effect

Local or joint evening vocational industrial evening vocational homemaking and evening vocational agricultural schools department or part-time vocational agricultural classes or vocational retraining classes shall be reimbursed annually for the full sum which was expended from July one one thousand nine hundred thirty-seven to June thirty one thousand nine hundred and forty-five and thereafter eighty per centum (80%) of the sum which was expended for the salaries of part-time agricultural teachers and evening vocational school teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects

Local or joint vocational distributive occupational schools departments or classes shall be reimbursed for the full sum which was expended up to June thirty one thousand nine hundred and forty-five and thereafter eighty per centum (80%) of the sum which was expended for the salaries of distributive occupational education teachers for approved instruction during the previous school year by such school districts or unions of districts

If and when the Congress of the United States pro-

vides funds for additional types of vocational education other than those provided in this act the State Board for Vocational Education shall have the authority to establish rules and regulations governing the administration of these funds

School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel.

Section 2 The provisions of this act shall become effective on the first day of July one thousand nine hundred and forty-one.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Edmonds,	McGinnis,	Thomas,
Bartlett,	Farrell,	McQuiddy,	Tyler
Becker,	Geltz,	Miller,	Wade,
Carr,	Heyburn,	Ruth,	Walker,
Chapman,	Homsher,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson H. I.,
Crider,	Kephart,	Tallman,	Wilson T B.,
Crowe,	Letzler,	Taylor,	Woodward,
Ealy,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 893, (House Bill No. 525), as follows.

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 101 SHORT TITLE This act shall be known and may be cited as the "Municipal Borrowing Law"

Section 102 Definitions The following words and phrases whenever used in this act shall have the following meanings unless the context clearly indicates otherwise

(a) "Municipality" a county city borough incorporated town township school district and a county institution district The word does not include a city of the first class a county of the first class or a city institution district

(b) "Corporate authorities" the body in each municipi-

pality authorized by law to levy taxes or fix the tax rate of the municipality

(c) "Bond" any instrument imposing an obligation for the repayment of money borrowed except notes and all renewals and extensions thereof issued in anticipation of current revenues

(d) "General obligation" any obligation for the payment of which a municipality may be required to levy a tax

(e) "Current revenues" taxes for the current year delinquent taxes licenses fines and other revenues and receipts which in the judgment of the corporate authorities are collectable within the current fiscal year

(f) "Debt" all general obligations of the municipality to pay money either in the present or future except obligations payable from current revenues lease agreements not directly or indirectly involving the acquisition of capital assets and contracts for service A debt evidenced by general obligation bond shall be deemed to have been incurred by a municipality at the time when the ordinance authorizing such bonds shall become effective

(g) "Ordinance" an "ordinance" in the case of municipalities having the power to adopt ordinances and a "resolution" in the case of all other municipalities Notwithstanding any law to the contrary where an "ordinance" is required or authorized to be adopted by the provisions of this act the same shall become effective in the case of cities and boroughs when the same has been passed finally by the council and has been approved by the mayor or burgess or has been passed over his veto and in the case of all other municipalities such an "ordinance" shall become effective when the same has been adopted or passed finally by the body having power to adopt ordinances or resolutions on behalf of the municipality Where an ordinance is authorized or required to be adopted by the provisions of this act the ordinance or proposed ordinance or summary thereof shall be published in a newspaper or newspapers of general circulation not exceeding two published in the municipality and if no such newspaper shall be published therein then such notice shall be given in a newspaper of general circulation circulating generally in said municipality Such ordinance or proposed ordinance or a summary shall be published once before or after the ordinance becomes effective as above provided No other publication or notice of any such ordinance shall be required under the provisions of any other law

(h) "Assessed valuation" the assessed valuation of all property taxable by the municipality as last determined by the Board of Revision

(i) "Department" the Department of Internal Affairs of the Commonwealth of Pennsylvania

Section 103 Exclusive Method of Borrowing Money on Bonds Hereafter a municipality may borrow money on bonds only as provided in this act and not otherwise

Section 104 Purpose of Act It is the intent of this act to regulate the manner of borrowing money by the issue of bonds by municipalities and to impose limits and conditions on such borrowing in certain cases Nothing in this act shall be construed to confer on any municipality any power or authority to borrow money for any purpose for which such municipality is not otherwise authorized by law to borrow money nor shall anything in this act be construed to deprive any municipality of any power or authority to borrow money for any purpose for which such municipality is or may hereafter be authorized to borrow money This act shall be deemed to provide an exclusive and uniform system on the subjects covered by this act

Article II

General Obligation Bonds

Section 201 Limitation on Municipal Debt Whenever the net debt of any municipality shall be equal to ten per centum in the case of municipalities authorized by the provisions of section fifteen article nine of the Constitution to incur debt to said amount and seven per centum in the case of all other municipalities (except school districts of the first class which shall be limited to two per centum) of the assessed valuation it shall be unlawful to increase the same by borrowing money (except in the

case of issuing evidences of debt in anticipation of current revenues) and any such increase shall be void and any general obligation bonds issued to evidence such increase of debt shall be of no binding force upon such municipality Each of the officers thereof wilfully authorizing such increase or executing any general obligation bond therefor shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars or undergo imprisonment not exceeding one year or both

Section 202 Determination of Existing Net Debt The net debt of a municipality shall be the net debt determined as follows

From the gross liabilities of the municipality which shall be the total amount of the following items (1) the principal of all bonds authorized or outstanding for whatever purpose issued (2) the amount of any overdue interest and state tax assumed on account of any general obligation bonds and (3) all other debts of the municipality there may be deducted the following items

(a) The amount of any cash and bonds of the municipality held in any sinking fund for the payment of the principal of any outstanding debt

(b) The par value of all legal investments other than bonds of the municipality held in any sinking fund unless such par value shall be in excess of the actual value in which case the actual value shall be used It is the legislative intent of this clause that since legal investments in any sinking fund may be converted into cash and such cash used as a deduction that such investments having been legally authorized should be deductible in like manner as cash and bonds of the municipality held in any sinking fund

(c) The amount of undisputed municipal liens other than tax liens actually filed against property (other than such as are pledged for the redemption of assessment bonds deductible under clause (f)) in such proportion as such liens are certain to be collected

(d) The amount of the preliminary estimates of benefits costs and expenses which may be assessed against the owners of property and for which liens may be legally filed in any case where a public improvement has been or is about to be made by any municipality and general obligation bonds have been or are to be issued for the payment of the same in whole or in part Such estimates of assessable benefits costs and expenses shall be signed and verified by the engineer or other proper officer of the municipality in case the municipality has no engineer and shall state that they are in his opinion fair amounts of benefits costs and expenses which may be lawfully assessed in such proceedings

(e) The amount of surplus cash not specifically appropriated to any purpose other than the payment of any item of debt

(f) The amount of assessment bonds outstanding heretofore issued for the construction of any project where the cost of such project has been assessed on property specially benefited which bonds purport to impose no municipality liability to the extent that such bonds are supported by cash in the sinking fund held for such assessment bonds and by undisputed valid liens against the property benefited in such proportion as such liens are certain to be collected but this clause shall not apply to assessment bonds where the courts have held the same to be general obligations of the municipality

(g) The amount of all delinquent taxes on real estate in such proportion as such taxes are certain to be collected except such amount thereof as may have been appropriated as current revenues in the current year's budget

(h) The amount of current revenues which are applicable within the current fiscal year to the payment of the principal of any debt

(i) The amount of any utility bonds issued for the construction or acquisition of waterworks subways underground railways or the appurtenances thereof where it shall be determined in the manner provided in article six of this act that the net revenue derived from said property for a period of five years either before or after acquisition thereof or where constructed by the municipality after the completion thereof shall have been sufficient to pay in-

terest and sinking fund charges upon said obligations or if the said obligations shall be secured solely by liens upon the respective properties and shall impose no municipal liability but the amount of such utility bonds so deductible shall be the total amount of such bonds outstanding less the amount of cash and investments held in any sinking fund applicable to the payment of such utility bonds as are general obligations

(j) The amount of any bonds legally issued under this act or any other act of Assembly which impose no municipal liability other than such bonds as may have been defined as deductible under the provisions of other clauses of this section

(k) All other solvent debts due the municipality directly payment of which it can enforce as one of its quick assets for the liquidation of any of its debt

Section 203 Increase of Debt by Issuance of General Obligation Bonds by Corporate Authorities and With the Assent of Electors (a) Any municipality may incur debt or increase its debt by the issue of general obligation bonds by vote of the corporate authorities thereof without the assent of the electors to an amount in the aggregate not exceeding two per centum of the assessed valuation

(b) The debt of any municipality except a school district of the first class may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of a majority of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding seven per centum of the assessed valuation

(c) The debt of any municipality authorized by the provisions of section fifteen article nine of the Constitution to incur debt not exceeding ten per centum may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of three-fifths of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding ten per centum of the assessed valuation

Section 204 Determination of Amount of Debt Authorized and Issued by Corporate Authorities Without Assent of Electors The amount of the debt authorized or issued and outstanding by the corporate authorities of a municipality without the assent of the electors shall be determined by deducting from the net debt ascertained as provided in this article the amount of the debt authorized or issued and outstanding with the assent of the electors

In determining the amount of debt authorized or issued and outstanding with the assent of the electors for the purposes of this section there shall be deducted from the aggregate of such debt cash and investments in the sinking fund pledged for the payment of such debt and any other deductions under the provisions of section 202 of this article specifically applicable to the payment thereof

Section 205 Desire Ordinance Elections to Authorize an Increase or Indebtedness (a) Whenever the corporate authorities of any municipality by their ordinance shall have signified a desire to make an increase of debt where the assent of the electors is required and shall have called an election for the purpose of obtaining such assent they shall give notice of an election to be held at the places of holding elections in said municipality on a day to be by them fixed for the purpose of obtaining the assent of the electors thereof to such increase of debt Such notice shall be given in a newspaper or newspapers of general circulation not exceeding two published in said municipality and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements and if no such newspaper is published therein the notice shall be given in at least one newspaper of general circulation circulating generally in the municipality Such election notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers of general circulation and legal journals shall be published only twice once a week for two successive weeks The first publication of such notice shall be not less than fourteen nor more than twenty-one days before the day of the election Such notice may be published at any time after the ordinance shall have become effective

(b) The election notice shall contain and state

(1) The date upon which the election is to be held

(2) The amount of the assessed valuation of the municipality

(3) The sum of the gross liabilities the sum of the allowable deductions which are claimed and the amount of the net debt of the municipality

(4) The amount of the proposed increase of debt and

(5) The purpose or purposes for which the debt is to be increased

(c) The corporate authorities of the municipality shall in all cases fix the time of holding such election on the day of a municipal general or primary election unless more than ninety days or less than thirty days elapse between the effective date of the desired ordinance and the day of holding the said municipal general or primary election

If any day other than the day of any municipal general or primary election is fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it is held

(d) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at least twenty-five days before said election is to be held cause to be certified to the county board of elections a copy of the ordinance expressing the desire to increase the debt of the municipality and calling for an election for such purpose and the form of the question to be submitted to the electors

(e) Whenever an election is held to increase the debt of a municipality for any particular purpose or purposes and the increase is defeated another election for the same purpose or purposes may not be held until fifty-one weeks have elapsed since the prior election

(f) Elections to authorize the increase of debt shall be held at the place time and under the same regulations as provided by law for the holding of municipal elections In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the Pennsylvania Election Code and all the penalties provided in said Code for the violation thereof shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(g) The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections which shall compute the same and transmit a certified return thereof to the council in the case of cities and boroughs and to the corporate authorities in the case of other municipalities which body shall enter the same upon the minutes of the municipality If it appears that a majority or three-fifths of the electors as the case may require voting on such question have voted in favor of the increase of debt the county board of elections shall also file a certified copy of such return together with the copy of the ordinance certified to the county board of elections by the municipality with the clerk of the court of quarter sessions and the said clerk shall make a record of the same There shall also be filed with said clerk a copy of the notice of election and proof of the advertisement thereof

(h) Wherever the Board of School Directors of any independent school district by vote shall have signified a desire to make an increase of debt and there is no polling place within said independent school district where elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district to such increase of debt shall be held at the regular polling place within the municipality of which the said independent school district is a part most convenient to the voters thereof to be selected by the board of school directors of the independent school district notice of which place shall be set forth in the advertisements and notices required by this section At said election the ballots shall be furnished to and voted by only such voters as are residents of the said independent school district Whenever the board of school directors of any school district which is not coextensive with a municipality shall have signified by vote a desire to make such increase of debt the county board of elections of the county or counties within which such district is situated shall furnish

the election officials with a list of the qualified voters in such districts and only the qualified voters of the school district shall be permitted to vote at each election

Section 206 Ordinance to Increase Debt by Borrowing Money Interest Rate (a) The corporate authorities of a municipality where they are authorized to increase the debt may by their ordinance the vote thereon to be duly recorded upon the minutes of such municipality authorize and direct the issuance of general obligation bonds of the municipality in sums not less than one hundred dollars each bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by such municipality payable at such times as may be stated therein and the principal to be payable at a period or periods not exceeding thirty years from the date of said bonds

(b) An ordinance to authorize the issuance of general obligation bonds shall not take effect unless it has received the affirmative vote of a majority of all the members constituting the body adopting the ordinance

(c) An ordinance authorizing the issuance of general obligation bonds shall make the tax levy required by this act and shall state in substance

(1) The purpose or purposes for which the general obligation bonds are to be issued

(2) The maximum amount of general obligation bonds to be issued

(3) The rate or rates of interest or the maximum rate or rates of interest the general obligation bonds shall bear and in the latter case the actual rate of interest shall thereafter be fixed by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities

(4) The date of maturity of each bond and if said bonds are to be callable prior to maturity the date the terms and conditions of such call feature

(5) The estimated period of usefulness of the property or improvement for which the general obligation bonds are to be issued except in the case of general obligation bonds issued for funding or refunding purposes as may be authorized under Article five of this act

(6) The nature and source of revenues if any other than taxes or the proceeds of assessments against property specially benefited specially pledged to the payment of principal and interest on such general obligation bonds

(7) That the bonds are general obligations of the municipality and shall pledge the full faith and credit thereof

(8) That the existing net debt and the debt to be incurred do not in the aggregate exceed the limitations of the Constitution and of this act

(9) The officer or officers who shall prepare verify and file the statement required by section 209 of this act

Section 207 Tax Levy An annual tax commencing the first fiscal year after such debt shall have been incurred or increased sufficient for the payment of the interest thereon together with any taxes covenanted to be paid thereon and the principal of such debt within the period for which such general obligation bonds may be issued shall be forthwith assessed by the corporate authorities in the ordinance authorizing the issue of such bonds The moneys arising from such tax except such moneys as shall be required to repay to the general fund any sums advanced for the service of the debt prior to the collection of the first annual tax required by this section and except as otherwise provided in section four hundred and two shall be placed in a sinking fund which shall be kept apart from all other moneys of the municipality and shall be applied only to the payment of interest and taxes on and the principal of such general obligation bonds or be invested in the manner provided by article four of this act

The annual tax shall be expressed as an amount of money to be raised by taxation in each succeeding year for principal interest and taxes on such bonds to the end that in each succeeding year the rate of taxation on each dollar of valuation may be adjusted so as to produce the amount specified in such tax levy The corporate authorities shall include such tax levy within its annual tax levy

Section 208 Maturity of Bonds All general obligation bonds of a municipality issued for property or improvements shall mature within a period not to exceed the esti-

mated usefulness of such property or improvement for which such bonds are issued The estimated period of usefulness shall be stated in the ordinance authorizing the issue of such bonds and when so stated shall be conclusive But such determination shall never extend the period of maturity beyond thirty years

Section 209 Statement to be Prepared and Filed with Clerk of the Court of Quarter Sessions Before delivering any general obligation bonds it shall be the duty of the officer or officers authorized by the ordinance issuing such bonds to prepare a statement showing (a) the amount of the existing gross liability or the gross liability the various allowable deductions which are claimed and net debt of such municipality ascertained as provided in this article

(b) the amount of the assessed valuation (c) the amount of bonds to be issued and (d) the form number and date of maturity of the bonds and the officer or officers preparing the same shall make and append thereto his or their oath of the truth of the facts therein stated and shall file the same in the office of the clerk of the court of quarter sessions of the county

Certified copies of the record of such statement under the seal of said court shall be competent evidence in all of the courts of this Commonwealth

Section 210 Serial Bonds Required Except as otherwise provided in this section all general obligation bonds issued under the authority of this article shall mature in annual installments The first installment of principal shall mature not later than two years after the date of the bonds Installments of principal shall mature annually thereafter The sum of the principal interest and State tax payable in any year after the first installment of principal falls due shall not exceed the sum of the principal interest and State tax payable in any prior year on account of such issue by more than the sum of One Thousand Dollars (\$1,000)

General obligation bonds may mature in other than annual installments in the event that

(a) The last installment of principal shall mature more than twenty-five years and not more than thirty years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Twenty Thousand Dollars (\$120,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty (40) per centum by the end of the fifteenth year sixty (60) per centum by the end of the twentieth year and eighty (80) per centum by the end of the twenty-fifth year

(b) The last installment of principal shall mature more than twenty years and not more than twenty-five years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Thousand Dollars (\$100,000) Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty-five (45) per centum by the end of the fifteenth year and seventy (70) per centum by the end of the twentieth year

(c) The last installment of principal shall mature more than fifteen years and not more than twenty years from the date of the bonds and the aggregate principal amount of the bonds is less than Eighty Thousand Dollars (\$80,000) Provided that not less than fifteen (15) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds forty (40) per centum by the end of the tenth year and seventy (70) per centum by the end of the fifteenth year

(d) The last installment of principal shall mature more than ten years and not more than fifteen years from the date of the bonds and the aggregate principal amount of the bonds is less than Sixty Thousand Dollars (\$60,000) Provided that not less than twenty-five (25) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds and sixty (60) per centum by the end of the tenth year

(e) The last installment of principal shall mature more than five years and not more than ten years from the date of the bonds and the aggregate principal amount of the

bonds is less than Forty Thousand Dollars (\$40,000) Provided that not less than forty (40) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds

(f) The last installment of principal shall mature not more than five years from the date of the bonds and the aggregate principal amount of the bonds is less than Twenty Thousand Dollars (\$20,000)

The purpose of this section is to require serial bonds and to encourage annual maturities without impairing the marketability of the bonds and nothing herein contained shall limit the power of municipalities to authorize bonds maturing at periods earlier than are required hereby

Section 211 Redemption of General Obligation Bonds Prior to Maturity Any general obligation bonds issued pursuant to this article may be made callable in whole or in part at par or at par and a premium or premiums upon such interest date or dates as may be specified in the ordinance. When general obligation bonds have been made callable they shall state on their face the date on which or subsequent to which such call may be made and the method of giving notice thereof and the terms upon which such bonds may be called. Such notice shall specify if less than all the bonds are to be called for redemption the numbers of the bonds to be called and the place where such bonds shall be presented by the holders thereof for redemption. Interest shall cease to run on all bonds specified in said notice after the date fixed in said notice as the callable date

Whenever the municipality shall call for redemption less than the whole amount of any issue of general obligation bonds remaining outstanding the bonds to be called shall be those last maturing of such issue

The municipality may from any funds not otherwise pledged at any time redeem and cancel any general obligation bonds tendered for redemption at not more than par and accrued interest

Section 212 Regulations for Sale of General Obligation Bonds (a) When any municipality shall desire to borrow money and issue general obligation bonds therefor the municipality shall sell such bonds to the highest responsible bidder or bidders after public notice by advertisement in at least one and not more than two newspapers of general circulation published in the county in which such municipality shall be situated and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements. Such notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers and legal journals shall be published only twice once a week for two successive weeks. The first advertisement shall be published not less than fifteen days before the day fixed for the opening of bids

(b) General obligation bonds may be advertised for sale in accordance with this section and may be conditionally sold before or after the ordinance authorizing the issue of such bonds has been adopted by the corporate authorities thereof but if advertised for sale prior to the adoption of such ordinance such advertisement shall first be authorized by a proper resolution of the council or corporate authorities as the case may be

(c) The notice shall contain (1) a general description of the general obligation bonds to be sold (2) the manner place and time of the sale or the time limit for the receipt of proposals (3) the name of the officer to whom bids or proposals shall be delivered (4) a statement that bidders must accompany their bids or proposals with a certified check cashiers check or treasurer's check drawn to the order of the municipality or its treasurer or a sum of money equal to not less than two per centum of the face amount of the general obligation bonds offered for sale to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid or proposal and (5) a statement that the general obligation bonds will be sold and delivered to the purchaser only if and after the proceedings authorizing the issuance of such bonds have been approved by the department as required by article three of this act where such approval is required

(d) Every bid or proposal shall be in writing and shall be placed in a sealed envelope sufficiently labelled to indicate that it is a bid or proposal for general obligation bonds by the bidder before being delivered to the officer designated to receive the same

(e) At the time and place fixed in the notice the bids or proposals shall be publicly opened in the presence of such officer or officers of the municipality as may have been designated for such purposes

(f) The highest responsible bidder shall be the one who having complied with the conditions of sale offers to take the whole amount of general obligation bonds offered for sale at the least interest cost to the municipality which shall be determined by deducting from the total amount of interest to be paid on account of such bonds during the life thereof the amount of the premium offered if any over and above the face amount of the bonds offered for sale. In the case of callable bonds the life of the bonds shall be figured to the respective maturity dates rather than to the call date or dates. In the event that two or more bidders offer to take an identical return the one proposing the lowest rate of interest shall be deemed the highest responsible bidder and if two or more bidders having offered to take an identical return also propose the same rate of interest the bonds may be awarded and sold to either or with the consent of the bidders to them jointly

(g) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall have the right to reject all bids or proposals and advertise the sale anew by the publication of a notice in manner and form as provided in this section

(h) No bids for general obligation bonds at less than par value and accrued interest shall be accepted

(i) The deposit required of each bidder shall be returned to each unsuccessful bidder immediately upon the award of the general obligation bonds or the rejection of all bids. In the case of the successful bidder the deposit shall be held by the treasurer and be applied on the purchase price when the bonds are actually delivered and paid for

(j) No municipality and no officer thereof shall enter into any agreement in connection with the issuance or sale of bonds purporting to bind the municipality to deposit or leave on deposit in any bank and trust company or trust company any sum of money and all such agreements shall be null and void and of no effect

(k) Where general obligation bonds shall be advertised for sale and no legal bid has been received then it shall be lawful for such municipality to sell the same or any part thereof at private sale for less than par and accrued interest at any time within six months from the date of sale in accordance with the terms originally advertised and at a rate of interest not exceeding the maximum rate originally advertised

Section 213 Application of Bond Proceeds The proceeds of the sale of general obligation bonds shall be used for the purpose or purposes specified in the ordinance authorizing said bonds except where a change of purpose has been authorized under the provisions of section 216 of this article. If for any reason any part of the proceeds is not applied to or is not necessary for such purpose or purposes such unexpended part of the proceeds shall be paid into the sinking fund for such issue of bonds unless otherwise applied under the provisions of section 216 of this article

The cost of preparing issuing and marketing general obligation bonds shall be deemed to be one of the purposes for which the bonds are issued

Each municipality shall keep such accounts as will readily show the proceeds of each issue of bonds hereafter marketed and the application of the proceeds thereof

Section 214 Assessment Bonds to be General Obligations All bonds hereafter issued by any municipality for the payment of the principal and interest of which assessments of benefits against property are pledged shall be general obligation bonds and shall pledge the full faith and credit of the municipality. Such general obligation bonds shall be supported by a tax levy as required by this article but the amount of assessments received and deposited in the sinking fund may be applied against the amount of the annual tax levied for any succeeding year or years

No assessment bonds shall hereafter be issued which rest alone on special assessments of benefits and purport to impose no municipal liability

Section 215 Annual Statement of Indebtedness The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at the end of each fiscal year cause to be prepared and published in at least one and not more than two newspapers of said municipality or of the county if so many are printed therein a statement showing in detail (a) the gross liability and net debt of the municipality ascertained as provided in this act (b) the amount of the assessed valuation (c) the assets of the municipality with the character and value thereof (d) the date of last maturity of the respective forms of funded debt thereof (e) the assets in each sinking fund and a neglect or failure so to do shall be a misdemeanor punishable by fine not exceeding one thousand dollars

Section 216 Moneys Borrowed or Authorized to be Borrowed for Impracticable Etc Purposes (a) Whenever any municipality has heretofore increased or authorized the increase of its debt with or without the assent of the electors of such municipality or shall hereafter so increase or authorize the increase of its debt and the purpose or purposes of such increase or authorized increase have proved or shall prove to be impracticable impossible or inadvisable the corporate authorities of the municipality may by their ordinance where such debt was increased without electoral assent or after electoral assent has been secured as hereinafter provided so declare and may provide for the use of the money so borrowed or authorized to be borrowed or any part thereof for any other purpose for which such debt could have originally been lawfully incurred

(b) The corporate authorities of any municipality may by their ordinance without the assent of the electors rescind or cancel in whole or in part the authority to borrow money the borrowing of which shall prove to be impracticable impossible or inadvisable

(c) Whenever the original increase of debt shall have been made or authorized with the assent of the electors of such municipality and the corporate authorities may desire to use the money so borrowed or authorized to be borrowed or any part thereof for any other lawful municipal purpose they shall by ordinance express their desire so to do and shall provide for an election to be held in like manner as in this article provided for elections to secure the assent of the electors to the increase of debt except that the notice of the election shall state (1) the date on which such election is to be held (2) the amount of money theretofore borrowed or authorized to be borrowed for the purpose in question (3) the purpose for which such debt was originally authorized (4) the new purpose for which the municipality desires to make use of said money and (5) the reason why said money may not be used for the purpose or purposes for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose A copy of the ordinance required by this section shall be filed with the county board of elections at least twenty-five days before the election

(d) The question to be submitted to the electors shall be substantially in the following form

"Shall the sum of _____ dollars heretofore borrowed or authorized to be borrowed by the (municipality) for the purpose of _____ be used by _____ for the purpose of _____?"

(e) The election shall be conducted and return thereof made by the election officers and by the county board of elections in the same manner as in this act provided for the increase of indebtedness The county board of elections shall with its certified return to the clerk of the court of quarter sessions transmit the ordinance of the municipality filed with it and the clerk shall make a record of the same The municipality shall also file with the clerk of the court of quarter sessions a copy of the election notice together with proof of publication thereof

(f) If at such election a majority or three-fifths of the electors voting thereon as was required for the original electoral assent shall vote in favor of using said money so borrowed or authorized to be borrowed or any part thereof for the new purpose as stated in the said notice

the said money may be used for such new purpose as if it had originally been authorized or borrowed therefor

(g) Whenever it shall have been determined to refrain from borrowing such money by action of the corporate authorities alone the original authority to borrow the same shall thereupon be deemed to have been rescinded and of no effect No such cancellation shall be effective until the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall first have filed a certificate of such cancellation with the clerk of the court of quarter sessions of the county and with the Department of Internal Affairs in cases where the original proceedings were approved by that department which officers shall record or file the same with the proceedings had relating to the increase of indebtedness

Section 217 Acceptance Of Article By Municipalities Specially Incorporated Any municipality incorporated or acting under any local or special act of Assembly may surrender the provisions of its local or special act or acts in so far as the same limit define abridge control or prescribe the borrowing capacity of said municipality and also surrender the provisions of said local or special act or acts so far as the same prescribe or limit the method and procedure of creating debt or issuing general obligation bonds and may accept the provisions of this act by presenting a petition to the court of quarter sessions of the county within which the said municipality may be located setting forth the desire of such municipality to accept the provisions of said article

Such petition shall be made by the council in the case of cities and boroughs and by the corporate authorities in the case of other municipalities Upon presentation of the petition the court shall fix a day for hearing of which such notice shall be given as may be directed by the court At such hearing any inhabitant or taxpayer of the municipality may remonstrate against the granting of the petition and the court may grant or refuse the petition as to it appears proper If the court grants the petition the decree shall be recorded in the office for the recording of deeds of the county and thereafter the municipality shall be subject to all the provisions of this act and the local and special act of Assembly shall be annulled so far as they are inconsistent with this article and in all and every respect in so far as they may have restricted limited defined abridged controlled or prescribed the borrowing capacity of said municipality and in so far as they may have prescribed the method and procedure of creating debt or issuing bonds

Article III

Approval Of Department Of Internal Affairs Of Proceedings To Incur General Obligation Debt

Section 301 Certification Of Proceedings For The Issuance Of General Obligation Bonds Fee The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities (except a school district of the first class or a city of the second class or second class A) which shall have proceedings for the authorization in issue and sale of general obligation bonds shall before any such bonds are actually delivered to the purchaser cause to be certified under the signature of their clerk or secretary to the department a complete and accurate copy of the proceedings had for such incurring or increasing of debt together with certified copy of the financial statement required to be filed in the office of the clerk of the court of quarter sessions

When such proceedings are certified to the department the municipality shall pay to the department a fee of ten dollars plus an additional fee of one-half of one mill on each dollar of the aggregate par value of the bonds to be issued and sold by the municipality All fees received hereunder shall be paid by the department into the State Treasury through the Department of Revenue

Section 302 Examination Of Proceedings By Department It shall be the duty of the department upon the receipt of any such proceedings and facts to carefully examine the same to ascertain whether the proposed debt is within the limitations imposed by the Constitution and whether such proceedings are in conformity with existing laws If such proceedings are found to be in accordance with the

Constitution and law the department shall within twenty days after the receipt thereof approve the same and certify its approval to the municipality

Section 303 Certificate Of Disapproval Correction Of Proceedings If upon examination the department shall find that such proposed debt is not within the limitations imposed by the Constitution or that the proceedings are not in accordance with law it shall disapprove the same and shall within twenty days after the receipt thereof certify its disapproval to the municipality Thereafter it shall be unlawful for such municipality to issue any general obligation bonds upon such proceedings unless the proceedings are subject to correction which correction has been approved by the department

Section 304 Records of Department The department shall keep a record of all approvals and disapprovals made and the same shall be a public record and copies thereof certified under the hand and seal of the Secretary of Internal Affairs shall be admitted in evidence in all courts and elsewhere

Section 305 Sale of Bonds Controlled It shall be unlawful for the corporate authorities of any municipality (except a school district of the first class or a city of the second class or second class A) to deliver to the purchaser any general obligation bonds unless the foregoing provisions of this article have been complied with All general obligation bonds delivered contrary to the provisions of this article shall be invalid and shall impose no liability on the municipality

Section 306 Appeals by Interested Parties And Taxpayers Where proceedings for the incurring or increasing of debt had by any municipality have been approved by the department any party interested or any taxpayer of the municipality may within thirty days after such approval and not thereafter appeal therefrom by petition to the Court of Common Pleas of Dauphin County which petition shall specifically allege the error or errors complained of in the proceedings in the manner required of bills in equity

Jurisdiction is hereby conferred upon the court of Common Pleas of Dauphin County to hear and determine such appeals

Section 307 Notice of Appeal Record to be Transmitted Service of Notice Notice of any such appeals shall be given by the petitioner to the municipality instituting such debt proceedings and to the department The department shall immediately upon the receipt of such notice transmit its entire record of such proceedings to the prothonotary of the court to which the appeal is taken and such record shall become the record in the court proceedings and may be offered in evidence The notice to the department may be sent by registered mail addressed to the department at Harrisburg Pennsylvania Proof of the service of such notice shall be filed with the prothonotary of Dauphin County

Section 308 Filing Answer The municipality the department any person interested and any taxpayer may file an answer to such petition within twenty days after service of notice of the appeal on the municipality or the department

Section 309 Hearings Pleading After the expiration of the time for filing answer the court shall fix a day for hearing of which such notice to all parties to the proceedings shall be given as the court may direct At the hearing the court may hear evidence but the proceedings shall be limited to the questions raised by the petition and answer and no demurrer or other pleading shall be required to bring the matter to issue

Section 310 Order Further Proceedings by Municipality Subject to Approval of Department After hearing the court shall have power to affirm or to order stricken from the proceedings in possession of the municipality the approval of the department or if in the opinion of the court the proceedings had by the municipality are subject to correction or amendment it may refer the matter back to the municipality

Any further proceedings by the municipality pursuant to an order of the court shall be subject to approval by the Department of Internal Affairs

Section 311 Appeal to Supreme or Superior Court From the final decision of the Court of Common Pleas of Dauphin

County an appeal may be taken within thirty days and not thereafter to the Superior or Supreme Court as in other cases

Section 312 Finality of Proceedings Validity of Evidence of Indebtedness When any proceeding for the incurring or increasing of debt has been approved by the department and no appeal has been taken or when the approval of the department after appeal has been affirmed finally by the court the validity of such proceedings and the right of the municipality to issue general obligation bonds lawfully pursuant to such proceedings shall not thereafter be inquired into judicially in equity or by civil or criminal proceedings or otherwise either directly or collaterally except where a constitutional question is involved

Any general obligation bonds issued by such municipality pursuant to such proceedings and lawfully sold or disposed of shall be valid obligations of the municipality and the effect of such approval shall be to ratify validate and confirm such proceedings absolutely except as to constitutional questions notwithstanding any defect or error whatever in such proceedings

Section 313 Appeals by Municipalities Any municipality may in like manner with like proceedings and with like rights as hereinbefore provided appeal from the action of the department in refusing to approve any proceedings by a municipality to incur or increase its debt and the court may after hearing affirm the action of the department or direct it to approve such proceedings as to it may appear proper From the decision of the Court of Common Pleas an appeal may be taken to the Superior or Supreme Court within thirty days after such decision and not thereafter

Article IV

Sinking Fund

Section 401 Creation of Sinking Funds Every municipality having any outstanding general obligation bonds and any municipality hereafter issuing any such bonds shall maintain its existing sinking funds or if no such funds are being maintained shall forthwith establish and thereafter maintain so long as any bonds remain outstanding and unpaid a separate sinking fund for each issue of bonds

Section 402 Payment of Moneys into Sinking Fund It shall be the duty of the treasurer of each municipality to deposit into each sinking fund during each fiscal year not less than the portion of taxes collected and moneys received during such year for such sinking fund and to credit to each sinking fund the earnings and other income appertaining thereto But nothing in this section or this act shall be deemed to limit the power of the corporate authorities (a) to appropriate moneys from the general fund for the payment of principal interest or taxes on any bonds through a sinking fund or otherwise or (b) to direct the treasurer or other fiscal officers to pay into a sinking fund the amount required for interest principal taxes or any of them out of any moneys in their hands not irrevocably pledged to any other purpose When the full requirement for debt service on account of any issue of bonds for any year and all prior years has been paid into the sinking fund or otherwise discharged the annual tax of such year levied for and in conjunction with the issue of bonds shall no longer be dedicated to the payment of interest principal and taxes on account of such bonds and need not be deposited in the sinking fund for said bonds anything in this act to the contrary notwithstanding

Section 403 Use of Money in Sinking Fund Investment The money or other assets in the sinking fund shall be applied to the payment of any taxes covenanted to be paid on the general obligation bonds for the payment of which such fund was created to the payment of interest on such bonds and to the payment of the principal of such bonds at their maturity Any moneys in the sinking fund not needed for the time being for any of the above purposes may be invested in obligations issued by the United States of America and general obligation bonds of the Commonwealth of Pennsylvania or any political subdivision thereof The moneys and other assets held in the sinking fund shall not be used for any other purpose except for such other investment purposes as may be specifically authorized by law

Any investments held in the sinking fund may be sold at any time by the body board or commission having the management and control of such sinking fund

Nothing contained in this section shall be construed to require the sale of any obligation bonds or notes legally held in a sinking fund at the time this act takes effect

Section 404 Management of Sinking Fund The management and control of the sinking fund of each municipality shall be vested in the council in the case of cities and boroughs and in the corporate authorities in the case of other municipalities except where by any other law there has been created any board or commission for the management and control of the sinking fund in which case such board or commission shall have the management and control of the sinking fund

Section 405 Inspection of Municipal Sinking Funds Orders to Comply (a) The department shall from time to time inspect and investigate the sinking funds of the municipalities as herein defined (except of school districts of the first class or of cities of the second class and second class A) which have any outstanding debt and all records books and papers relating thereto. It may require the treasurer or any other officer of any municipality to furnish copies of annual financial and other statements showing the condition of such sinking funds and the amount of outstanding debt together with the rate of interest and dates of maturity

(b) Such inspection and investigation and such statements shall be for the purpose of determining whether such sinking funds are being kept in accordance with this act and whether in the opinion of the department they will be sufficient to meet maturities of the debt for the payment of which they were created

(c) If the department shall ascertain that any municipality has failed or neglected to establish any sinking fund to meet taxes interest and principal payments as the same become due or has failed to provide sufficient funds for any sinking fund to meet such payments the department shall make an order requiring the municipality or any officer thereof to take such steps as in the opinion of the department will cause such sinking funds thereafter to comply with this article or to be sufficient

(d) Any officer or the members of any body of any municipality who shall refuse or neglect to obey any order of the department made under the authority of this section or who shall refuse to furnish information required by said department or refuse agents of said department the right of access to any records books and papers relating to the sinking fund of the municipality shall be guilty of a misdemeanor and upon conviction thereof shall be each sentenced to pay a fine not exceeding five hundred dollars

(e) In addition to the imposition of the penalty hereinbefore provided or in lieu thereof the department may in its discretion apply to the court of common pleas of the county in which the municipality is situate for a writ of mandamus to issue to such officer or body of the municipality to compel compliance with such order of the department or any modification thereof as to the court appears just and proper

Article V

Funding and Refunding Bonds

Section 501 General Provisions Any municipality may fund or refund any debts of the municipality either funded or unfunded in the manner and subject to the conditions provided in this article and may issue therefor its general obligation serial bonds to be known as funding or refunding bonds as the case may be

Except as herein otherwise provided such general obligation bonds shall be authorized issued and sold only in accordance with the provisions of article two of this act

The limitations on the debts of municipalities provided by article two of this act and the Constitution of this Commonwealth shall not prevent the funding or refunding of any debt which was valid at the time the debt was incurred even though the net debt of the municipality at the time of the funding or refunding exceeds such constitutional limitation

Funding and refunding bonds may be authorized issued

and sold without the assent of the electors General obligation bonds issued to fund or refund bonds issued or debt incurred with the assent of electors shall evidence debt incurred with the assent of electors

Section 502 Funding Bonds Conditions (a) Whenever any municipality has any unfunded debt contracted for current operating expenses which is due and owing and the financial condition of the municipality is such that in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities it cannot meet such debt within the fiscal year without an unreasonable curtailment of municipal services or the levy of an excessive tax they may by petition apply to the court of quarter sessions of the county in which the municipality is situate setting forth the facts. After hearing on such notice to the municipality and taxpayer as the court may prescribe the court shall make such order granting authority to fund such unfunded debt contracted for current operating expenses in whole or in part if it believes the proposed funding will accomplish the relief intended or refusing to permit the municipality to fund the same as it deems just and equitable. The action of the court shall be final

Whenever the consent of the court to the funding of any unfunded debt contracted for current operating expenses has been secured the corporate authorities of the municipality may authorize issue and sell general obligation funding bonds bearing interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality the maturity of any such bonds not to extend beyond ten years from the date thereof and not exceeding in the aggregate the amount allowed by the court

(b) The funding of floating indebtedness incurred in the acquisition of property or the making of improvements as distinguished from that incurred for current operating expenses shall not require the approval of the court of quarter sessions but general obligation bonds issued to fund the same shall bear interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than the estimated period of usefulness of the property acquired or the improvement made which period of usefulness shall be stated in the ordinance authorizing the issuance thereof as required under the provisions of Section 206 of this Act

(c) If the total of the unfunded debt which is to be funded under the provisions of this section when added to the existing net debt of the municipality as determined by the provisions of Section 202 of this Act shall exceed two per centum of the assessed valuation of taxable property in the municipality but shall not exceed seven per centum of such assessed valuation then such municipality may first submit to the electors thereof in the manner prescribed by Section 205 of this Act the ratification validation and confirmation of such unfunded debt and if said electors shall assent to such ratification validation and confirmation of such unfunded debt the corporate authorities may proceed to fund the same in the manner prescribed by this section. In such cases no approval of the Court of Quarter Sessions shall be required. The total of the debt which has been ratified validated and confirmed shall thereafter be excluded in computing the amount of the debt of the municipality incurred without the consent of the electors

Section 503 Refunding Bonds Conditions Where any municipality has issued general obligation bonds either originally or for refunding purposes to secure any debt of such municipality which may have matured but remains unpaid and uncanceled or are about to mature and become payable and there is at the time or will in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities be a default in the payment of principal therein within one year the municipality for the purpose of paying off such bonds may authorize issue and sell refunding serial general obligation bonds bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by the municipality the maturity of any of such bonds not

to exceed twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or other evidences of indebtedness so to be paid. All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall first be so applied and the balance of such issue only shall be redeemed by the issue of new bonds.

Section 504 (a) Refunding of Callable Bonds Conditions. Any municipality which has outstanding general obligation bonds which may be called prior to the maturity thereof at the option of such municipality or any municipality which may hereafter issue such bonds may authorize and issue its refunding bonds to redeem and pay off such outstanding callable bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off. Such refunding bonds shall bear interest at a rate less than the rate specified in the bonds to be redeemed and the maturity of such refunding bonds shall not exceed the maturity of the bonds to be redeemed. All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds.

(b) Refunding of Bonds Which the Holders Are Willing to Surrender Conditions. Any municipality which has outstanding general obligation bonds which the holders are willing to surrender or any municipality which may hereafter issue bonds which the holders are willing to surrender may at any time with the consent of the holders thereof authorize and issue refunding bonds to redeem and pay off such outstanding bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off. Such refunding bonds shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than twenty years from the date thereof. All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds.

Section 505 Sale or Exchange of Funding and Refunding Bonds. Except in the case of refunding general obligation bonds issued to redeem bonds which the holders are willing to surrender any municipality shall first offer funding or refunding general obligation bonds for sale in accordance with the provisions of Section 214 of this act and if no bids are received for the same any such municipality shall be authorized to exchange such bonds with the debtors in the case of bonds issued to fund floating indebtedness and with the holders of the outstanding bonds in the case of bonds issued to redeem and pay off such outstanding bonds when such debt is to be funded or when such outstanding bonds are to be redeemed and paid off as the case may be. The maximum rate of interest of the bonds to be exchanged shall not be in excess of the maximum rate of interest borne by the bonds previously offered for sale in the case of refunding bonds issued to redeem bonds which the holders are willing to surrender the municipality shall have the option to offer said bonds for sale or to exchange said bonds with the holders of the outstanding bonds without previously having offered the same for sale.

For services in procuring the exchange or surrender of bonds or other evidences of debt a municipality may expend not to exceed one per centum of the debt so funded or refunded in addition to its actual expenses in the preparation and issue of such funding or refunding bonds.

Section 506 Cancellation of Bonds. All general obligation bonds and other evidences of debt funded or refunded pursuant to this article shall be marked cancelled by the treasurer or other proper authority of the municipality.

Article VI

Utility and Revenue Bonds

(a) Utility Bonds

Section 601 Power to Issue and Sell Utility Bonds. Any municipality which has by law power to provide for the construction or acquisition of waterworks, subways, underground railways or street railways or the appurtenances

thereof may authorize issue and sell (a) general obligation utility bonds which shall not be considered to be a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution of Pennsylvania if as hereinafter provided it is determined that the net revenues derived from said property for a period of five years either before or after the acquisition thereof or where the same is constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said bonds or (b) non-debt utility bonds if the said bonds are secured solely by liens upon the respective property and shall impose no municipal liability.

Section 602 General Obligation Utility Bonds Not to be Considered Debt Under Certain Circumstances. (a) Where a municipality shall acquire or construct any property provided for in Section 601 of this act and money is to be borrowed by the issue of bonds to pay for such acquisition or construction and such bonds are not to be secured by liens on the property acquired or constructed such bonds shall be authorized issued and sold only as general obligation bonds and only in the manner provided by and in accordance with the provisions of article two of this act except that if the net revenues derived from said property during the five years immediately preceding the acquisition of such property would have been sufficient to pay interest and sinking fund charges on the general obligation bonds to be issued the assent of the electors need not be required.

(b) General obligation bonds so issued shall not be considered a debt within the meaning of sections eight and fifteen of article nine of the Constitution at any time when the net debt of the municipality shall be required to be determined for any purpose if the net revenue derived from said property for the period of the last five completed fiscal years of the utility property immediately preceding the date of such determination of net debt (whether before or after the acquisition of such property or after the completion of the construction thereof) shall have been or would have been sufficient to pay interest and sinking fund charges upon said general obligation bonds so issued or about to be issued.

(c) The determination that such general obligation bonds shall not at the time be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall be made by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities on the affidavit of the engineer or other proper officer of the municipality showing

(1) The date the general obligation bonds were issued or are to be issued.

(2) The principal amount of the general obligation bonds issued or to be issued the dates of the maturity thereof and if such bonds are outstanding the principal amount thereof outstanding.

(3) The amount of the interest and sinking fund charges for each year during the life of such bonds.

(4) The gross revenue from said property during each of said five years from which shall be deducted for each year the total cost of operation and maintenance and state taxes assumed on such bonds in order to determine the net revenues for the said five year period.

(5) That the net revenues derived from said property during said five year period were sufficient to pay interest and sinking fund charges on such general obligation bonds.

(d) Where the issue of general obligation bonds is involved at the time the said debt is determined a certified copy of the affidavit of the engineer or other proper officer and a certified copy of the resolution of the council or corporate authorities shall accompany the record of proceedings transmitted to the department for approval and certified copies thereof shall also be filed in the office of the clerk of the court of Quarter Sessions with the financial statement required by article two of this act.

(e) Any such general obligation utility bonds heretofore issued by any municipality may be determined not to be a debt within the meaning of sections eight and fifteen of article nine of the Constitution in accordance with the procedure provided by this section.

(f) The determination that general obligation utility

bonds shall not be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall not be construed as effecting the contractual relations existing between the municipality and the holder of any such utility bonds

Section 603 Utility Bonds Imposing no Municipal Liability (a) In the case of the acquisition or construction of any property provided for in section six hundred and one of this act where the bonds issued to pay for such acquisition or construction are to be secured by lien on the property acquired or constructed and are to impose no municipal liability the bonds may be authorized issued and sold by the corporate authorities only in the manner provided by and in accordance with the provisions of article two of this act in respect to general obligation bonds except that the consent of the electors shall not be required and that no tax need be levied for the payment of the principal and interest of and taxes on such bonds and that no provisions relating to debt statements and provisions that the bonds are general obligation bonds pledging the full faith and credit of the municipality need be complied with in the ordinance or otherwise

(b) Such non-debt utility bonds shall not be considered debts within the meaning of sections eight and fifteen of article nine or any other section of the Constitution and shall impose no municipality liability

(c) The ordinance of the corporate authorities authorizing the issue of such bonds shall in addition to the requirements of article two of this act and not above excepted state that the bonds are not general obligation bonds and shall rest alone for their payment and the payment of interest and taxes covenanted to be paid thereon upon the property subject to the lien and the revenues derived from said property which revenues shall be pledged for such purpose and shall state the method of application of such revenues to such purpose

(d) Where non-debt utility bonds are to be secured by lien on the property acquired or constructed as provided in section fifteen article nine of the Constitution the municipality may enter into any deed of trust indenture or other agreement with any bank or trust company or other person having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenue or receipts from such property Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the municipality may authorize including but without limitation provisions as to (1) construction improvement operation maintenance and repair of the property and the duties of the municipality with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the ordinance authorizing the issuance of the same

Section 604 Interest and Sinking Fund Charges on Certain Utility Bonds Tax Levy Where any municipality shall issue any general obligation utility bonds to provide for the construction of any property enumerated in section six hundred and one of this act the municipality may also issue bonds to provide for the interest and sinking fund charges accruing thereon until said properties have been completed and in operation for a period of one year No such municipality shall be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution until after said property so constructed shall have been operated by the municipality during said period of one year

(b) Non-Debt Revenue Bonds

Section 620 Authority to Issue Revenue Bonds Any municipality authorized by law to construct acquire extend or alter any public works undertakings or facilities and to borrow money therefor by the issue and sale of bonds secured solely by the pledge of the whole or part of the revenue from any rent toll or charge for the use or services of such works undertakings and facilities may by ordinance of the corporate authorities thereof authorize

issue and sell non-debt revenue bonds in the manner provided by division (b) of this article

Such non-debt revenue bonds shall not pledge the credit nor create any debt nor be a lien against any real property of the municipality nor be a charge against the general revenues of the municipality but shall be a lien upon and be payable solely from the rentals tolls or charges imposed for the use or services of such public work undertaking or facility

Section 621 Bond Ordinance Whenever a municipality has enacted an ordinance imposing a rental toll or charge upon properties or persons to be served by or to have the use of such public works undertaking or facility when the same is completed it shall have power to adopt an ordinance authorizing the issue of such bonds

Such ordinance shall state

(a) The purpose for which the non-debt revenue bonds are to be issued

(b) The maximum amount of bonds to be issued

(c) The rate or rates of interest or the maximum rate or rates of interest the bonds shall bear

(d) The maximum period within which the bonds shall mature

(e) The amount of annual rentals tolls or charges which are pledged for the payment of interest and sinking fund charges on the non-debt revenue bonds to be issued and state taxes covenanted to be paid thereon and shall pledge such annual revenues for the payment of the principal and interest of such bonds and taxes covenanted to be paid thereon

(f) That the bonds are not general obligations of the municipality and that no property or revenues of the municipality shall be pledged to the payment thereof or the interest and state taxes covenanted to be paid thereon except the rents tolls or charges for the use or services of the public work undertaking or facility to be constructed acquired altered or extended from the proceeds of the non-debt revenue bonds to be issued and that no tax shall in any event be levied for the payment of the interest or principal of or state taxes on such bonds

(g) That the bonds shall constitute a lien against the rents tolls or charges for the use or services of the work undertaking or facility to be constructed acquired altered or extended which are specifically pledged under the ordinance

(h) The method of applying the revenues from rents tolls or charges for the use of such work undertaking or facility to the payment of the principal interest and taxes on such bonds

Section 622 Bonds To Cover Interest Taxes And Sinking Fund During Construction The corporate authorities of the municipality shall have power to authorize the issue and sale of sufficient additional non-debt revenue bonds as may be necessary to provide for the interest taxes and sinking fund charges accruing thereon until the public work undertaking and facility has been completed and has been in operation for not exceeding one year in order to provide sufficient revenue until such time as rentals tolls and charges may be collected from the owners of properties or persons being served

Section 623 Certain Procedure Required (a) All non-debt revenue bonds authorized issued and sold under the authority of subdivision (b) of this article shall be serial bonds as provided in article two of this act for general obligation bonds with maturities not exceeding the estimated period of usefulness of the property or improvement for which such bonds shall be issued which period shall be stated in the ordinance authorizing such bonds and when so stated shall be conclusive and shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality

(c) General Provisions Applicable to Non-debt Public Utility and Non-debt Revenue Bonds

Section 630 Qualities Of Utility And Revenue Bonds All utility general obligation and utility non-debt bonds and non-debt revenue bonds issued by any municipality under the authority of this article shall have all the qualities of negotiable instruments under the law mer-

chant and the negotiable instruments laws of the Commonwealth of Pennsylvania

Section 631 Periodic Issue Of Bonds The corporate authorities of any municipality shall have power to authorize the issue and sale of such bonds from time to time as the work of construction alteration or extension proceeds

Section 632 Investment Of Sinking Fund Moneys In Utility And Non-debt Revenue Bonds It shall be lawful for any municipality issuing utility general obligation bonds utility non-debt bonds or non-debt revenue bonds under the provisions of this article to invest the sinking fund moneys of the municipality in such bonds

Section 633 Default In Payment Of Principal And Interest Rights Of Bondholders In addition to the rights and remedies granted to bondholders by the ordinance providing for the issue of utility general obligation bonds utility non-debt bonds or non-debt revenue bonds in the event the municipality shall default in the payment of principal of or interest on any such bonds after the same shall have become due whether at maturity or upon call for redemption and said default shall continue for a period of thirty days or in the event the municipality shall fail or refuse to comply with the provisions of this article or shall default in any agreement made with the bondholders then the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument filed in the office of the recorder of deeds of the county where the municipality is situated and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the municipality to collect revenues rates tolls rentals and charges adequate to carry out any agreement as to or pledge of the revenues or receipts from the property work undertaking or facility and to require the municipality to carry out any other agreements with or for the benefit of the bondholders and to perform its duties

(b) Bring suit upon the bonds but any execution upon a judgment recovered thereon shall be restricted to the revenues or receipts from the property work undertaking or facility

(c) By action or suit in equity require the municipality to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of bondholders

(e) By notice in writing to the municipality declare all bonds due and payable and if defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceeding by the trustee on behalf of the bondholders

In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee shall be a charge on the revenue or receipts derived from such property works undertakings and facilities the revenues or receipts from which are or may be applicable to the payment of the bonds so in default

Any such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any of the functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Article VII

General Provisions

Section 701 Conversion And Reissuance Of Bonds Whenever any municipality shall have any outstanding

bonds which the holder desires to convert from coupon bonds into fully registered bonds or from fully registered bonds into coupon bonds or if any bonds shall be lost or completely destroyed or defaced or partially destroyed or defaced the municipality may in its discretion by resolution of the council in case of cities and boroughs and of the corporate authorities in case of all other municipalities authorize the conversion and reissuance of said bonds under the signatures of the officials in office at the time of the adoption of such resolution and under the following conditions

(a) In the case of the conversion of coupon bonds into fully registered bonds the same may be authorized to be done by the removal and cancellation of the coupons attached thereto and the execution by a duly authorized officer of the municipality of a certificate written or printed on the back of the bonds which shall include (1) Date of registration (2) name of registered owner (3) such other information as the corporate authorities deem necessary

(b) In case of the conversion of fully registered bonds into coupon bonds the same may be authorized to be done either (1) by attaching to said bonds new coupons for unmatured interest in the same form and tenor as those originally authorized and the execution by a duly authorized officer of the municipality of a certificate of such conversion written printed or stamped on the back of the bond or (2) by the preparation execution and substitution of new bonds and coupons

(c) In the case of bonds defaced or partially destroyed the resolution (1) may authorize the officers of the municipality in office at the time of the adoption of such resolution to re-execute such bonds and impress the seal of the municipality thereon or (2) may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons

(d) In the case of bonds lost or completely destroyed the resolution may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons Before the adoption of such resolution the owner of said bonds shall furnish to the council in case of cities and boroughs and to the corporate authorities in case of all other municipalities (1) proof of ownership (2) proof of loss or destruction (3) bond with corporate surety satisfactory to the said council or corporate authorities to indemnify the municipality against all loss cost damage or expense which may thereafter be suffered by said municipality by reason of a claim of any person or persons based on the original bond or bonds supposed to have been lost or destroyed

(e) In all cases where new bonds or coupons are to be executed and substituted for old bonds the new bonds and new coupons shall be in the form and tenor of the old bonds and coupons and the cost of conversion or reconversion and of the preparation execution and substitution of such bonds and coupons shall be borne by the persons requesting such reconversion or reissuance of said bonds and coupons and shall be paid to the municipality prior to the delivery of the new bonds or coupons

(f) The resolution authorizing such conversion reconversion or reissuance shall set forth the date maturities interest rate denomination numbers of the old and new bonds the name of the holder or holders thereof and that the cost of preparing and issuing the new bonds shall be borne and paid by the persons requesting the conversion reconversion or reissuance and a certified copy thereof shall be filed in the office of the Clerk of the Court of Quarter Sessions at the same number and term as the proceedings for the original bonds

Section 702 Bank As Registrar Or Transfer Agent In all cases where any municipality shall make provision for complete registration of any bond issue and the conversion and reconversion of said bonds it may appoint a bank or trust company as registrar or transfer agent of the municipality and provide for the registration and transfer of bands of the municipality by such registrar or transfer agent

Section 703 Temporary Obligation In all cases where

any municipality has authorized and sold an issue of bonds and the purchaser or purchasers thereof desire to receive delivery of the whole or any part thereof and the municipality is unable to make such delivery due to delay in the preparation and execution of definitive bonds such municipality may prepare and upon receipt of the purchase price deliver temporary obligations for the whole or any part of said issue of bonds to the purchaser or purchasers

Such temporary bonds shall be in such denomination or denominations as may be agreed upon and shall be similar to the form and tenor of definitive bonds of the same issue but with such omissions modifications or additions as may be desirable or appropriate. Such temporary bonds shall be exchangeable for other temporary bonds and for definitive bonds when ready of the same issue and series of like aggregate principal amounts whether of the same or different denominations and when surrendered for exchange shall be accompanied by all unmatured coupons if any appertaining thereto and if registered shall be accompanied by written instruments of transfer in form approved by the corporate authorities of such municipality duly executed by the registered owner in person or by his attorney duly authorized in writing. All temporary bonds surrendered in exchange for other temporary bonds or for definite bonds shall be cancelled.

Temporary bonds issued in accordance with the provisions of this section shall be executed in the same manner as the ordinance provides for the execution of the definitive bonds.

Article VIII

Effective Date Repeals

Section 801 Effective Date This act shall become effective on the first day of January one thousand nine hundred and forty-two.

Section 802 Saving Clause Nothing contained in this act shall be construed to affect the validity of any bonds heretofore issued or sold nor shall anything in this act operate to prevent the issue and sale of any bonds authorized or to be authorized pursuant to any proceeding commenced prior to the effective date of this act and the authorization issuance and sale of such bonds may be proceeded with and concluded under the laws in existence when such proceedings was commenced notwithstanding the repeal by this act of such laws or may be proceeded with and concluded under the provisions of this act at the option of the municipality. This act shall not be construed to repeal any of the provisions of the act approved the sixteenth day of May one thousand nine hundred and thirty-nine (P. L. 139) entitled "An act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for the violation thereof."

Section 803 Repeals The following acts and parts of acts are hereby repealed to the extent herein set forth:

The act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" absolutely.

The act approved the twelfth day of April one thousand eight hundred and seventy-five (P. L. 46) entitled "A supplement to an act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April Anno Domini eighteen hundred and seventy-four amending the sixth section thereof" absolutely.

The act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities

or school districts in this Commonwealth which have issued bonds or other interest bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" except in so far as the same relates to cities of the first class.

The act approved the ninth day of June one thousand eight hundred and ninety-one (P. L. 252), entitled "An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness" absolutely.

The act approved the eighteenth day of April one thousand eight hundred and ninety-five (P. L. 36) entitled "An act amending section four of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due" absolutely.

The act approved the thirteenth day of April one thousand eight hundred and ninety-seven (P. L. 17) entitled "An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed" absolutely.

The act approved the eleventh day of May one thousand eight hundred and ninety-seven (P. L. 53) entitled "An act to further amend the fourth section of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four as amended by an act approved the eighteenth day of April Anno Domini one thousand eight hundred and ninety-five amending that part of the same which restricts the increase of indebtedness to an amount not exceeding two per centum and providing for an increase of indebtedness to an amount not exceeding seven per centum of the last assessed valuation" absolutely.

The act approved the first day of March one thousand eight hundred and ninety-nine (P. L. 6) entitled "An act to amend section one and to repeal section two of an act (approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10)) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached'" except in so far as the same relates to cities of the first class.

The act approved the first day of May one thousand nine hundred and nine (P. L. 317) entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of

indebtedness' being an act to amend an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled 'An act to regulate manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the ninth day of June Anno Domini one thousand eight hundred and ninety-one amending section three of said act relating to increase of indebtedness to further amend section three of said act relating to increase of indebtedness" absolutely

Section 502 absolutely and sections 506 507 and 508 except in so far as said sections empower school districts to incur debt of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith"

The act approved the twenty-eighth day of May one thousand nine hundred and thirteen (P. L. 377) entitled "An act fixing the time within which an election may be held to increase municipal indebtedness for the same purposes and on the same subject as were defeated by a majority vote at a previous election" except in so far as the same relates to cities of the first class

The act approved the twenty-eighth day of April one thousand nine hundred and fifteen (P. L. 195) entitled "An act to amend section two of an act entitled 'An act to amend section two of an act entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restrictions that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed' approved the thirteenth day of April Anno Domini one thousand eight hundred and ninety-seven by extending the powers to incur and increase indebtedness to townships of the second class" absolutely

The act approved the fifth day of June one thousand nine hundred and fifteen (P. L. 846) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of article nine of the Constitution of Pennsylvania so far as it relates to municipalities" absolutely

The act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 568) entitled "An act authorizing boroughs with the assent of the electors duly obtained at an election to use moneys borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" and the amendments thereto absolutely

The act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" except in so far as the same relates to cities of the first class

The act approved the twenty-sixth day of March one thousand nine hundred and nineteen (P. L. 24) entitled "An act authorizing cities of the third class with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose absolutely

The act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 456) entitled "An

act authorizing boroughs and towns incorporated or acting under any local or special act or acts of Assembly to surrender the provisions of such special acts in so far as the said local or special acts restrict limit define abridge control or prescribe the borrowing or bonding capacity of said boroughs or towns and in so far as the said special acts prescribe or limit the method and procedure of creating indebtedness or issuing bonds or certificates of indebtedness therein and thereby and providing for the acceptance by said boroughs and towns of the provisions of the general act of Assembly approved the twentieth day of April one thousand eight hundred and seventy-four entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' prescribing the method and procedure by which the surrender of said provisions may be effected to be by petition to the court of quarter sessions of the judicial district in which said borough or town is located and approval by said court" absolutely

The act approved the twelfth day of April one thousand nine hundred and twenty-three (P. L. 59), entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' providing a procedure to incur or to increase indebtedness where the existing indebtedness is less than two per centum but the amount to be incurred exceeds two per centum of the assessed value of the taxable property and providing that this act shall apply to pending proceedings" absolutely

The act approved the eleventh day of July one thousand nine hundred and twenty-three (P. L. 1042) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' by designating the place for the holding of elections for the purpose of increasing indebtedness of independent school districts" absolutely

The act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 171) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended by providing that the vote shall be counted by the court of quarter sessions" absolutely

The act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" absolutely

The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 205) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' absolutely

Sections 1776 1777 1782 1783 2141 2142 2147 2147 2181 and 2182 of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" absolutely

The act approved the eleventh day of April one thou-

sand nine hundred and twenty-nine (P. L. 516) entitled "A supplement to the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 9) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by providing for and regulating appeals from approvals and disapprovals by the Department of Internal Affairs of proceedings to incur or increase indebtedness and declaring the effect of the approvals by the department" and the amendments thereto absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 518) entitled "An act to amend the act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled 'An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice' providing for private sales where no bids are received" except in so far as the same relates to cities of the first class

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 520) entitled "An act relating to deductible assets in the calculation of the percentage of the assessed valuation of taxable property representing indebtedness in proceedings to incur and increase indebtedness by counties cities boroughs towns townships municipal districts and divisions" except in so far as the same relates to cities of the first class

Section 396 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" absolutely

The act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1661) entitled "An act to amend section three as amended of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' requiring county commissioners to furnish lists of voters where certain school directors hold elections on indebtedness" absolutely

The act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1778) entitled "An act to amend section two of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended providing when bonds shall be due" absolutely

The act approved the thirteenth day of May one thousand nine hundred and thirty-one (P. L. 125) entitled "An act authorizing school districts with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" absolutely

Sections 2446 and 2447 2702 2703 2704 2705 2706 2707 2708 3251 3253 and 3311 absolutely and section 3310 in so far as the same limits the maturity of bonds of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the laws relating thereto

Section 1707 of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P.

L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" absolutely

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (P. L. 97) entitled "An act to amend section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by authorizing the Department of Internal Affairs to charge and collect fees for examining and approving proceedings relating to municipal indebtedness" absolutely

Sections 904 1546 and 1547 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" absolutely

The act approved the fourth day of May one thousand nine hundred and thirty-three (P. L. 273), entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended by extending the provisions of the said act to cities of the first and second classes and providing that the refunding bond issued under the provisions thereof may bear interest at a rate of six per centum per annum and providing further that said bonds shall be payable at any time not exceeding twenty years after the date thereof" except in so far as the same relates to cities of the first class

The act approved the twenty-seventh day of December one thousand nine hundred and thirty-three (1933-34 P. L. 123) entitled "An act authorizing counties poor districts boroughs towns townships and school districts having moneys borrowed for one purpose to use the same for other purposes which will aid recovery from existing economic depression and requiring in certain such cases the assent of the electors" absolutely

The act approved the fifth day of January one thousand nine hundred and thirty-four (1933-34 P. L. 218) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" except in so far as the same relates to cities of the first class

The act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 155) entitled "An act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest" except in so far as the same relates to cities of the first class

The act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 401) entitled "An act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum

maturity of refunding bonds and providing penalties' limiting existing indebtedness as covered by the section to bonded indebtedness" absolutely

The act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 712) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended extending the provisions of said act to townships of the first class" except in so far as the same relates to cities of the first class

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1287) entitled "An act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes" absolutely

The act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1623), entitled "An act empowering municipalities to refund improvement bonds based solely on assessments for grading street and sewer improvements and imposing no municipal liability by a new issue of bonds" except in so far as the same relates to cities of the first class

All other acts of Assembly and parts of acts inconsistent with this act or any part thereof are hereby repealed in so far as they are in conflict or inconsistent herewith

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Ealy,	Mallery	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Ruth,	Walker,
Coleman,	Homsher,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson, H. I.,
Crider,	Kephart,	Tallman,	Wilson, T. B.,
Crowe,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 901, (House Bill No. 1259), as follows:

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth

class imposing certain charges on counties and fixing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 This act shall be known and may be cited as the "Fourth Class County Retirement Law"

Section 2 Definitions The following words and phrases as used in this act shall be construed to have the following meanings

"Board" the county retirement board created in any county under the provisions of this act

"County employe" any person whether elected or appointed who is employed by the county the county institution district in the county prison or in any other institution maintained by the county from county moneys whose salary or compensation is paid in regular periodic installments but shall not include any person paid on a per diem basis In all cases of doubt the board shall determine whether a person is an employe within the meaning of this act

"Fund" the county employes' retirement fund created in any county under the provisions of this act

"Accumulated deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund and standing to the credit of the members' annuity reserve account together with regular interest thereon

"Contributor" any person who has accumulated deductions in the fund standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior service" all service as a county employe served before the establishment of the retirement system in said county

"Original employe" a county employe who was at any time a county employe before the establishment of the retirement system in said county

"New member" a county employe who shall have become a member of the retirement system after the establishment of the retirement system in said county

"Superannuation age" as applied to a contributor means sixty years of age or upwards

"Average salary" the average annual salary received by a contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular interest" interest at the rate of three and one-half per centum compounded annually

"County annuity" payments for life or during disability derived from contributions made by the county and the interest earnings thereof

"Members' annuity" payments for life or during disability derived from contributions made by the contributor and the interest earnings thereof

"Retirement allowance" the county annuity plus the members' annuity

Section 3 County Retirement System County Retirement Board The county commissioners are hereby authorized to establish a system for the retirement of county employes in each county of the fourth class which shall if established be administered by a county retirement board which shall consist of the county commissioners the county controller the treasurer the register-of-wills the clerk of the courts and the recorder of deeds The chairman of the board of county commissioners shall be chairman of the board Each member of the board may designate a deputy or clerk to act on said board in his stead Five members of the board shall constitute a quorum

Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and they will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duties

The retirement system created by this act shall be established in each county as of the date fixed by resolution of the county commissioners for such system to become effective

Section 4 Personnel and Expenses The board shall appoint and fix the compensation of an actuary. The controller shall act as secretary of the board and shall receive such compensation for his services as may be fixed by the salary board. The secretary shall keep a record of all proceedings of the board which shall be open to inspection by the public. The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made by the commissioners on the basis of estimates submitted by the board.

Section 5 Rules and Regulations Actuarial Data The Board shall from time to time establish such rules and regulations for meetings of the board and for the administration of the fund and the various accounts thereof as may be deemed necessary. It shall keep such data as shall be necessary for actuarial valuation purposes. The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made to build up and maintain adequate reserves for the payments of the county's share of the retirement allowances provided by this act.

Section 6 County Employees' Retirement Fund Where a county retirement system has been established under the provisions of section three hereof there shall be created in each such county of the fourth class a county employees' retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employees' retirement system and all interest earned by the investments or moneys of the fund created by this act. The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members' annuity reserve account. The depository shall be selected by the treasurer of the board. Upon the granting of a retirement allowance to any contributor whether as a superannuation retirement allowance an involuntary retirement allowance or a total disability retirement allowance as hereinafter provided the amount of such contributor's accumulated deductions in the members' annuity reserve account shall lose their status as accumulated contributions and shall be transferred to a retired members' reserve account and the actuarial equivalent of the county annuity shall be similarly transferred from the county annuity reserve account to the retired members' reserve account. The interest earnings shall be apportioned to the members' annuity and county annuity and retired members' reserve accounts. The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability. All such contributions shall be credited to the county annuity reserve account. The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established.

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his average salary for each year of service after he becomes a member of the retirement system which contributions shall be paid into the fund through payroll deductions in such manner as the board may require. All contributions by members shall be credited to the members' annuity reserve account.

Section 7 Custody of and Payments from Fund All

moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safekeeping and all payments from said fund on account of retirement allowances shall be made only on requisition signed by the chairman and secretary of the board.

Section 8 Management and Investment of Fund The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries. Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund.

The board shall annually allow regular interest on the mean account for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act the amount so allowed shall be credited to each contributor's account.

Section 9 Membership Each elected officer may and each appointed county employee shall be required to become a member of the retirement system established under the provisions of this act as of the date the same is established or when such county employee first becomes an employee if after such retirement system is established. Those becoming members when the retirement system is originally established shall be known as original members and those entering county employment thereafter as new members. Provided however That if any person who becomes a county employee subsequent to the time the system was established shall at any time theretofore have been a county employee he shall receive credit for the service prior to the time the system was established and be known as an original member.

Section 10 County Guarantee Annual Budgets The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county. The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year.

Section 11 Service Allowance In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to the time the system became effective. As soon as practicable the board shall issue to each original member a certificate certifying the aggregate length of his service unless thereafter modified by the board upon application of the member. The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the board.

Section 12 Superannuation Retirement Allowance Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired. Said application shall retire said contributor at the time so specified.

On retirement for superannuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his average salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his average salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the average salary.

Section 13 Options on Superannuation Retirement At the time of his superannuation retirement any beneficiary may elect to receive his retirement allowance payable throughout life or if such retirement allowance shall amount to less than ten dollars per month he may elect to receive

the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the actuarial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representative or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 14 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition to a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age as provided in this act with respect to county annuities for superannuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 15 Total Disability Retirement Allowance If a contributor after five years of service as a county employee and before reaching superannuation retirement age is disabled while in service and is unable to continue as a county employee as shown by medical examination he shall be paid a retirement allowance consisting of a county annuity of twenty per centum of his average salary and a member's annuity which shall be the actuarial equivalent of his accumulated deductions standing to his credit in the member's annuity reserve account

Section 16 Payment of Balances Where Disability Annuity Dies Should a person receiving a disability retirement allowance die before receiving total member's annuity payments equal to the amount standing to his credit in the member's annuity reserve accounts at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total member's annuity payments received

Section 17 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act

Section 18 Refunds in Case of Withdrawal or Death Where a contributor's service has been terminated voluntarily or involuntarily and he has not become entitled to a retirement allowance under any of the provisions of this act or where a contributor has died prior to receiving a retirement allowance under any of the provisions of this act then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary within six months of death the board may pay the amount

due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 19 No Simultaneous Payments of Salary and Retirement Allowances Should a person receiving a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allowance be re-employed by the county the retirement allowance of such person shall immediately cease Such person shall thereupon be reinstated as a contributor and there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his re-employment

Section 20 Exemption from Taxation and Execution Etc The right to a member's annuity or a county annuity or to the return of contribution shall be exempt from any State or municipal tax and from levy sale garnishment attachment or any other process whatsoever and shall be unassignable

Section 21 Fraud Correction of Errors Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Ruth,	Walker,
Coleman,	Homsher,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson, H. I.,
Crider,	Kephart,	Tallman,	Wilson, T. B.,
Crowe,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 915, (House Bill No. 124), on third reading, entitled:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the

licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and savings rights, duties and proceeding thereunder; and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer"; defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph, photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts on bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers

go over in its order, as the bill is not up from the printer.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 994, as follows:

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of Four Thousand dollars (\$4,000) or so much thereof as may be necessary is hereby specifically appropriated to the Thomas Jefferson Bicentennial Commission created under Concurrent Resolution Serial No. 113 of the Senate and adopted March fifth one thousand nine hundred forty-one by the Senate and concurred in March seventeenth one thousand nine hundred forty-one by the House of Representatives for the purpose of paying the costs and expenses to be incurred by such commission in carrying out the provisions of the resolution including costs and expenses incidental to the formulation and execution of plans the organization and operation of pageants parades and orations of traveling, within and without the Commonwealth of office supplies and materials and such other costs and expenses which the chairman of said commission in his discretion may deem necessary for the proper conduct and operation of said commission

Section 2 This act shall become effective immediately upon final enactment and the appropriation made by this act shall be available for expenditure from said effective date until the close of the fiscal period ending May thirty-first one thousand nine hundred forty-three.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Barr,	Ealy,	Mallery,	Taylor,
Bartlett,	Edmonds,	McGinnis,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Geltz,	Miller,	Wade,
Chapman,	Heyburn,	Ruth,	Walker,
Coleman,	Homsber,	Snowden,	Watkins,
Cox,	James,	Stevenson,	Wilson, H. I.,
Crider,	Kephart,	Talman,	Wilson, T. B.,
Crowe,	Letzler,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 995, on third reading, entitled:

An Act to add section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employees of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the compensation of certain officers and employees

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 996, as follows:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452), entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" empowering the General State Authority through the exercise of its powers under existing law to construct equip furnish maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct equip furnish improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interest therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" as amended by the act approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 379) the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 421) and the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 645) is hereby further amended to read as follows

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining equipping furnishing and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth an official residence in the city of Harrisburg which shall thereafter be used as the official residence of the Governor of the Commonwealth State arsenals armories and military reserves State airports and landing fields State institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges school buildings and the furnishings and equipment thereof for the use of the

public schools county courthouses State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and low head dams and improvements to river embankments (any and all the foregoing being herein called "projects") Provided however That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby (other than for the construction improvement and maintenance of bridges) shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes and the Authority is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

- (a) To have perpetual existence as a corporation
- (b) To sue and be sued implead and be impleaded complain and defend in all courts
- (c) To adopt use and alter at will a corporate seal
- (d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department or from any school district or any county any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor or now owned or hereafter acquired by such school district or county for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county school district or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority
- (e) To acquire by purchase lease or otherwise and to construct improve equip furnish maintain repair and operate projects
- (f) To make by-laws for the management and regulation of its affairs
- (g) To appoint officers agents employees and servants to prescribe their duties and to fix their compensation
- (h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair equipping furnishing maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations
- (i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof
- (j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business
- (k) Without limitation of the foregoing to borrow

money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however When projects are to be constructed improved equipped furnished maintained repaired or operated for the use of any department of the Commonwealth as hereinbefore listed in this section no plans or specifications therefor shall be presented for quotations or bids until such plans and specifications shall have been submitted to and approved by the department of the Commonwealth which shall use such project the Department of Property and Supplies the Department of Labor and Industry and any other department of the Commonwealth having any jurisdiction over the projects so that the project will conform to standards established by these departments

Provided further That the Authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties school districts or other political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or any of its cities counties school districts or political subdivisions nor shall the Commonwealth or any city county school district or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 2 This act shall become final immediately upon final enactment

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, as a member of the General State Authority I would feel much better if I would simply vote "present" on this bill.

The PRESIDENT. The vote of the gentleman from Somerset will be so recorded.

Mr. COLEMAN. Mr. President, in reference to Senate Bill 996, figuratively speaking, if we are going to lay the corner-stone for an executive mansion today, I dislike intensely not having my colleague from Luzerne, Dr. Mundy, present in the Senate, as he has been in the vanguard to have the Governor get a new mansion and I would therefore like to see this bill go over in its order until Monday, when I know my learned colleague from Luzerne, Dr. Mundy, will have some very appropriate remarks to make on this bill.

Mr. WALKER. Mr. President, a little while ago, during a recess of the Senate, I met our distinguished colleague from Luzerne, Dr. Mundy, out in front of the capitol building and he said to me "Good-by Johnny, I will see you Monday," and I said, "that is very appropriate." He then got in his car and proceeded on his way home. Now, Mr. President, many of us are homesick and we want to go home too, but we feel the responsibilities of the office to which we aspired and have been elected are more pressing than our duties at home, and we stayed here to vote on this bill, and I object to it going over in its order.

Mr. CHAPMAN. Mr. President, this is one of the bills proposing the erection of an executive mansion, to be built through the General State Authority. I understand the gentleman from Somerset, Mr. Early, introduced a bill and which I believe passed the Senate stating that we would not commence any more buildings through the

General State Authority until they had completed those buildings which they already had in the course of erection.

As a member of the Appropriations Committee, I have been visiting hospitals in the state and I have seen some of the hospitals that have been built by the General State Authority, which are uncompleted. The Psychiatric Hospital in Pittsburgh is a good example of that, a building some nine or eleven stories high, standing for two years uncompleted because of the lack of funds, and I have also visited the Butler Sanatorium, and I for one think those buildings ought to be completed before other new structures are begun. I am opposed to the bill for those reasons.

Mr. EALY. The Senator is a little in error in the purport of the bill which passed the Senate. That bill provided that no construction should be undertaken without previous legislative authority. The bill which I introduced for abolishing the General State Authority, except as to buildings now under construction, was not let out of committee.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Barr,	Farrell,	McGinnis,	Taylor,
Bartlett,	Geltz,	McQuiddy,	Thomas,
Becker,	Heyburn,	Miller,	Wade,
Carr,	James,	Ruth,	Walker,
Coleman,	Kephart,	Snowden,	Watkins,
Cox,	Letzler,	Stevenson,	Wilson, H. I.,
Crider,	Mallery,	Tallman,	Wilson, T. B.,
Crowe,			

NAYS—3

Chapman,	Edmonds,	Homsher,
----------	----------	----------

PRESENT—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 998, as follows:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg County of Dauphin

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Secretary of Property and Supplies with the approval of the Governor is hereby empowered on behalf of the Commonwealth of Pennsylvania to sell convey or exchange for such consideration as may be agreed upon and to make and execute a deed conveying the Executive Mansion and the grounds upon which the same is located together with the buildings and improvements thereon erected located in the City of Harrisburg County of Dauphin being bounded and described as follows

All that certain three story house and lot or piece of ground lying and being on Front Street and Barbara Alley in the City of Harrisburg Dauphin County and State of Pennsylvania bounded and described as follows to wit

Beginning at the corner of Front Street and Barbara Alley thence along said alley two hundred ten feet to

River Alley thence along River Alley in a line towards Pine Street fifty-two feet six inches to the corner of a lot marked and known on the original plan of the borough now the City of Harrisburg as Number Seventy-six thence along the line of said lot towards Front Street two hundred ten feet to a corner thence along Front Street fifty-two feet six inches to Barbara Alley the place of beginning it being lot number seventy-seven on the general plan aforesaid

The deed of conveyance shall be prepared by the Attorney General and shall be executed by the Secretary of Property and Supplies in the name of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—29

Barr,	Farrell,	McGinnis,	Taylor,
Bartlett,	Geltz,	McQuiddy,	Thomas,
Becker,	Heyburn,	Miller,	Wade,
Carr,	James,	Ruth,	Walker,
Coleman,	Kephart,	Snowden,	Watkins,
Cox,	Letzler,	Stevenson,	Wilson, H. I.,
Crider,	Mallery,	Tallman,	Wilson, T. B.,
Crowe,			

NAYS—3

Chapman,	Edmonds,	Homsher,
----------	----------	----------

PRESENT—1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Dauphin.

The PRESIDENT. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. Yes, Mr. President.

Mr. COLEMAN. Mr. President, as I understand it, Senate Bill 996 empowers the General State Authority to erect an executive mansion, and Senate Bill 998 authorizes the Secretary of the Department of Property and Supplies to dispose of the present mansion. We have no doubt about the outcome of the gubernatorial fight next year. Does the gentleman from Dauphin think the present Governor would sign Senate Bill 998, which authorizes sale of the present mansion, and veto the other bill, and leave the next Democratic Governor without a home?

Mr. TAYLOR. Mr. President, for the information of the Senator from Lackawanna, the Speaker of the House and the Governor made these arrangements, that the property should be sold by the Department of Property and Supplies, and the Speaker of the House, the House leader and the State Treasurer, to mention a few on your side, all seconded the motion in unison that we do this thing, so there is no politics in it; it is purely a business proposition. They were pretty fair about it, because they knew they could not sit in it, but they were broad-minded about it.

Mr. WALKER. Mr. President, the gentleman from Lackawanna, Mr. Coleman, asked about whether, in the event the present executive mansion was now sold, the next Democratic Governor would have a place to live. May I suggest to the gentleman that will be so far in the

future the mansion we are going to build under Senate Bill 996 will be out of date.

Mr. CHAPMAN. Mr. President, I desire to interrogate the gentleman from Dauphin.

The PRESIDENT. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. TAYLOR. Yes, Mr. President, I will, if the gentleman from Warren will take the microphone so I may be able to hear him.

Mr. CHAPMAN. Mr. President, I would like to ask the Senator from Dauphin if he thinks it will make any difference whether we construct a new executive mansion now or whether the next Governor or the next two or three Governors live in the present mansion; whether the gentleman from Dauphin thinks it makes any difference whether any of these new Governors live in a new or old mansion.

Mr. TAYLOR. Oh, Mr. President, it would make quite a difference. I do not expect to be a candidate and live in either the old or the new mansion. Is the gentleman from Warren personally interested?

Mr. CHAPMAN. I am not interested, Mr. President, but I would answer that, Mr. President, by saying that if I were interested I think it would make little difference whether I lived down on the river front or up on the hill where they are going to build the new executive mansion.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 77, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 158, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeomen (female) and nurses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 211, entitled:

An Act to decrease the expenses of the Commonwealth by providing that mercantile appraisers lists shall not be published in newspapers in any city or county of the Commonwealth; and repealing acts and parts of acts relating thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 367, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to co-operate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations; political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 837, (House Bill No. 1439), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 941, (House Bill No. 276), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 947, (House Bill No. 310), entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 974, (House Bill No. 1167), entitled:

An Act to amend section three hundred seventeen of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals: and amending, revising, consolidating, and changing the law relating thereto," changing the provisions of said act as to the right of residents to hunt and trap without a license.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 989, (House Bill No. 1463), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by such department with the General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act ap-

proved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling, contracting to sell or dispose of, attempting or offering to dispose of, soliciting offers to buy, or inducing holders thereof to exchange, securities defined herein, including securities issued by them, or engaging in the business of inducing holders of securities to effect, the sale thereof in order to produce funds to pay for other investments sold by them, or in the business of buying securities directly from individuals who are not registered thereunder; providing for the revocation and suspension of registrations; conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act; providing for appeals to the Court of Common Pleas of Dauphin County, and to the Supreme Court of Pennsylvania; conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act; and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1017, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what offices are incompatible," by specifically exempting persons serving in the armed forces of the United States.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1019, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1031, (House Bill No. 1346), entitled:

An Act designating certain days of each year as Arbor Days and Bird Days one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1040, entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred

and nineteen (P. L. 737, entitled "A Supplement to an act, entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 6:30 o'clock, p. m., E. S. T.

Mr. FARRELL. Mr. President, I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE (Charles H. Ealy).
The time of recess having elapsed the Senate will be in order.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL No. 1004

Mr. EDMONDS. Mr. President, I move that the Senate do now proceed to the consideration of the Report of Committee of Conference on Senate Bill No. 1004.

Mr. EALY. Mr. President, I second the motion.

Mr. EDMONDS. Mr. President, on behalf of the Committee on Conference, appointed to consider Senate Bill No. 1004, I beg to advise you that the report of the committee, signed by all of the members of the committee, which is a privileged report, is on the desks of the members of the Senate.

SUSPENSION OF RULE 21

Mr. EDMONDS. Mr. President, I move that Rule 21 which requires reports of conference committees to be noted on the Calendar, be in this case dispensed with, and that the Senate proceed to the consideration of the report of the conference committee to the foregoing bill.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON SENATE BILL No. 1004

To the Members of the Senate and House of Representatives:

We, the undersigned Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1004, entitled:

"An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the

Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one; and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department."

Respectfully submit the following bill as our report

C. A. P. BARTLETT
FRANKLIN S. EDMONDS
EDWARD J. COLEMAN
(Committee on the part of the
the Senate.)
LEO A. ACHTERMAN
FRANCIS X. McCLANAGHAN
ELLWOOD J. TURNER

(Committee on the part of the
House of Representatives.)

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million two hundred fifty-three thousand six hundred dollars (\$6,253,600) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act there is hereby allocated to the Treasury Department the sum of sixty-six thousand dollars (\$66,000) and to the Department of the Auditor General the sum of fifteen thousand dollars (\$15,000) to pay the administrative expenses of said departments in auditing and disbursing the appropriation made by this act during the month of June one thousand nine hundred forty-one.

On the question,

Will the Senate agree to the report?

Mr. EDMONDS. May I say, Mr. President, with reference to this report, that the meeting with the conferees of the House was entirely satisfactory. We agreed on the total amount that the House had placed in the amendments, because they pointed out the amount which we had suggested, of eleven million dollars, seemed to imply the thought we would continue in session for two months and they were extremely anxious not to present that situation to their colleagues, so it was cut down to one month with the understanding a second appropriation bill of this nature will be considered if needed.

The House struck out section three of the bill and in-

serted as section three a provision which fixes a ceiling for the appropriation to the Treasury Department and the Auditor General. The ceiling is \$66,000 for the Treasurer and for the Auditor General, \$15,000, to pay expenses of their departments during the month of June in distributing this fund.

The State Treasurer elect, who was present, stated very frankly to us he will expect in the balance of the biennium merely \$60,000 a month, but that the \$6,000 additional was necessary to cover certain bills that had been contracted during the administration of his predecessor which related directly to relief, and consequently he would like to have those bills out of the red.

It seems to me a very satisfactory report and I take pleasure in moving its adoption.

Mr. RUTH. I second the motion.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barr,	Crowe,	Kephart,	Taylor,
Bartlett,	Ealy,	Letzler,	Thomas,
Becker,	Edmonds,	Mallery,	Wade,
Carr,	Farrell,	Miller,	Walker,
Chapman,	Geltz,	Ruth,	Watkins,
Coleman,	Heyburn,	Snowden,	Wilson, H. I.,
Cox,	Homsher,	Stevenson,	Wilson, T. B.,
Crider,	James,	Tallman,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Mr. EDMONDS. Mr. President, may I say on the part of the conferees there is a strong desire that if this report is approved by both the House and the Senate, it should be signed immediately and placed on the Governor's desk, so that appropriations which will be due June 1, may be paid.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

SENATE BILL No. 217 VETOED BY THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I return herewith, without my approval, Senate Bill No. 217, Printer's No. 108, entitled "An act requiring the Department of Welfare to notify the clerk of court and the county controller of all discharges or releases from institutions under its supervision."

This bill would require the Department of Welfare to notify the clerks of courts and the county controllers of discharges of persons from State institutions under its supervision.

I am advised that this information already is being furnished counties or county institution districts through the monthly billing put out by the Department of Revenue agents in each institution. However, as these billings

are made only on a monthly basis, the reference to discharge or release is not made currently as the persons are actually discharged, but only as invoices are submitted to those agencies.

The Department of Welfare necessarily would have to set up a separate file of "committed cases" and employ additional personnel to check the records which originate within each institution in order to comply with the bill. Even if this function were delegated to each State institution, it could be carried out only at a substantial increased cost to the Commonwealth. Obviously, the possible benefit to the courts and county controllers would not offset the additional cost to the Commonwealth.

Moreover, the bill is poorly drawn. The title of the bill is at variance with the body of the bill in several particulars. The title refers to all discharges or releases, while the bill itself refers to persons discharged. The title refers to institutions under the supervision of the Department of Welfare, while the bill refers only to State institutions.

For these reasons, the bill is not approved.

ARTHUR H. JAMES.

MOTION THAT SENATE BILL No. 217 RETURNED FROM THE GOVERNOR BE LAID ON THE TABLE

Mr. EDMONDS. Mr. President, I move that Senate Bill No. 217, just vetoed by the Governor, be laid on the table.

Mr. CRIDER. Mr. President, I second the motion.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 447

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 447, Printer's No. 124, entitled, "An Act making an appropriation to the Department of Labor and Industry to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases and repealing and lapsing certain appropriations."

ARTHUR H. JAMES.

SENATE BILL No. 1044, ON SECOND READING, CALLED UP

Mr. EDMONDS. Mr. President, I understand there are certain bills appearing on the second reading calendar which were not read the second time, because the bills were not in our files but since have been placed in our files.

I now call up for consideration on page 28 of today's calendar Senate Bill No. 1044.

Mr. MALLERY. I second the motion, Mr. President.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1044, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1004

The Clerk of the House of Representatives being introduced presents communication from the House, informed the Senate that the House has adopted the report of the Committee of Conference on Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof.

BILL SIGNED

The PRESIDENT PRO TEMPORE (Charles H. Ealy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 1004, entitled:

An Act making an appropriation to the Department of Public Assistance, and providing for certain allocations therefrom, for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred forty-one.

Whereupon,

The PRESIDENT PRO TEMPORE (Charles H. Ealy) in the presence of the Senate signed the same.

ADJOURNMENT

Mr. EDMONDS. Mr. President, I move that the Senate do now adjourn until Monday, June 2, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

Mr. BARR. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 7:20 o'clock, p. m., Eastern Standard Time, until Monday, June 2, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, May 29, 1941

The House met at 10 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Almighty God, thou hast said, "Call upon me in the day of trouble, and I will deliver thee, and thou shalt glorify me." In a penitent spirit we approach Thee today. On this Memorial Day, as we listen, as we march, as we decorate, as we bow our heads in prayer, make us conscious of the futility of war as a means to an end. Instead, our heavenly Father, help us to build friendship, to pluck the thorns of hatred and suspicion, and to plant roses of love and understanding, lest it be true that those who died on the field of battle shall have died in vain.

We beg of Thee, let Thy grace alight upon our land as we bring to memory Thy great mercies of old which have never failed. Forgive us our sins of omission and commission as we pray in the name of Thy Son. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. POLEN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. FLEMING. HOUSE BILL No. 1735.

An Act to amend route number six hundred seventy-eight of section one of the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by extending said route.

Referred to the Committee on Highways.

By Messrs. BAKER and SARRAF. HOUSE BILL No. 1736.

An Act to regulate and control the manufacture, sale, transportation, processing, storage, distribution and delivery of bread; providing for the licensing of bread manufacturers and dealers, creating the Bread Control Board, and prescribing its powers and duties; authorizing the board to establish reasonable trade practices and geographical marketing areas, to fix fees for licenses, to fix prices for bread, to adopt and enforce rules, regulations and orders to examine the business papers and premises of bread manufacturers and dealers, and to enter into interstate and Federal compacts; providing appeals from the orders and rules of the board; creating the Bread Control Fund and appropriating the moneys therein to the board for the purpose of carrying out the provisions of this act, and providing penalties.

Referred to the Committee on Professional Licensure.

By Mr. RILEY. HOUSE BILL No. 1737.

An Act relating to named, marked, stamped or other-

wise identified cylinders used for the manufacture, bottling or sale of liquified petroleum gas; providing for the advertisement and registration of the name, device or mark of the owner of such cylinders; prohibiting the filling, defacing, using, trafficking in or possession of cylinders for which the name or mark has been so advertised and registered unless the written consent of the owner has first been obtained; providing for the issuance of process in the nature of a search warrant; prescribing penalties for improper use or possession of such cylinders; and imposing certain additional duties upon and vesting certain additional powers in the Secretary of the Commonwealth and the courts.

Referred to the Committee on Judiciary Special.

By Messrs. WATKINS and SARGE.

HOUSE BILL No. 1738.

An Act to amend Route 2204t of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Military Affairs.

By Messrs. WATKINS and SARGE.

HOUSE BILL No. 1739.

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvements under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Referred to the Committee on Military Affairs.

By Mr. HARKINS. HOUSE BILL No. 1740.

An Act to further amend section twelve of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," granting certain retirement rights to persons who have withdrawn from and shall hereafter return to school service.

Referred to the Committee on Education.

By Mr. HARKINS. HOUSE BILL No. 1741.

An Act to control the practice of accounting by defining and regulating the practice of public accountancy

by those qualified by the Commonwealth to practice as certified public accountants or as public accountants.

Referred to the Committee on Education.

By Messrs. MARSHALL M. COHEN and NORMAN WOOD. HOUSE BILL LNo. 1742.

An Act to further amend section one thousand six hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by permitting the fixing of school terms of one hundred sixty days in fourth class districts.

Referred to the Committee on Education.

By Mr. HARKINS. HOUSE BILL No. 1743.

An Act to amend section six of the act, approved the fourth day of June, one thousand nine hundred and one (P. L. 404), entitled "An act relating to insolvency; embracing, among other matters, voluntary assignments for the benefits of creditors, and adverse proceedings in insolvency by creditors; forbidding, also, certain preferences; providing for the distribution of the insolvent's estate, and in certain contingencies relieving him, and others liable with him, from further liability for his or their debts," permitting persons confined for the non-payment of fines or upon conviction of fornication and bas tardy to apply for discharge under the insolvency law at any time after confinement.

Referred to the Committee on Judiciary Special.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 803. (HOUSE BILL No. 1744).

An Act to further amend section one of the act, approved the eighteenth day of April, one thousand nine hundred and thirty-five (P. L. 48), entitled "An act requiring banks, trust companies, bank and trust companies, private bankers, and building and loan associations to disclose the amount of deposits and investments of persons applying for or receiving unemployment relief under certain circumstances," making the said information available to county institution districts and city departments of welfare.

Referred to the Committee on Banking.

SENATE BILL No. 839. (HOUSE BILL No. 1745).

An Act to further amend Section 7 of the act, approved the fifth day of May, one thousand nine hundred twenty-one (P. L. 374), entitled "An act providing for the licensing and regulation of corporations, copartnerships, associations, and individuals, engaged in the business of receiving payments or contributions to be held or used in any plan of accumulation or investment, or of issuing, negotiating, offering for sale or selling any certificates, securities, contracts, or other choses in actions evidenced by writing on the partial payment or instalment plan, or of assuming fixed obligations, or issuing, in connection therewith, a contract based upon payments being made upon instalments or single payments, under which all or part of the total amount received is to be repaid at some

future time, with or without profit; and imposing penalties," requiring corporations and persons licensed under said act to deposit additional security with the Commission for the fulfillment of their contracts.

Referred to the Committee on Banking.

SENATE BILL No. 559. (HOUSE BILL No. 1746).

An Act creating a joint legislative commission to be known as the Educational Survey Commission; prescribing its powers and duties; conferring upon the commission full power to issue subpoenas and conferring upon the courts of common pleas power to enforce obedience to subpoenas so issued; imposing duties on departments and agencies of the State government and on colleges and universities; and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 788. (HOUSE BILL No. 1747).

An Act to amend sections one and two of the act, approved the eighth day of May, one thousand nine hundred and twenty-nine (P. L. 1647), entitled "An act relating to the registration of motor vehicles, and the licensing of certain operators thereof; and providing for the suspension of the registration of any motor vehicle, or of the operator's license of any operator of a motor vehicle, by the Secretary of Revenue, for violation of the provisions of the public (servicel) utility company law; authorizing the rescission of such suspension; and providing for the disposition of fees," by extending the provisions thereof to contract carriers by motor vehicle.

Referred to the Committee on Motor Vehicles.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur) That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives in the Congress of the United States from this Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that

the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 28, 1941.

Resolved (if the Senate concur), that House Bill No. 401, Printer's No. 564, entitled "An act to further amend section five hundred eleven of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' appropriating to the Department of Military Affairs the proceeds of the sale of certain products to be expended for the Indian-town Gap Military Reservation," be recalled from the Governor for further consideration.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 192.

An Act to amend section 4408 of the act approved the twenty-third day of June, one thousand nine hundred thirty-one, (P. L. 932) entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" providing for appeals by policemen who are fined, suspended or discharged after hearing.

HOUSE BILL No. 228.

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales

HOUSE BILL No. 229.

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof

requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

HOUSE BILL No. 231.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

HOUSE BILL No. 232.

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled 'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons

HOUSE BILL No. 233.

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto' approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

HOUSE BILL No. 235.

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six (P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board"

as previously reenacted and amended by extending the provisions thereof for a further limited period of time

HOUSE BILL No. 960.

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

The SPEAKER for Messrs. STOCKHAM and YEAKEL for today's session.

Mr. Leonard for Mr. O'CONNOR for today's session.

Mr. MARKS for himself for Monday, Tuesday and Wednesday of next week.

Mr. Marks for Mr. WRIGHT for today's session.

Mr. Scanlon for Mr. BRETH for today's session.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Printing, reported as committed House Bill No. 1679, entitled:

An Act to enable the county commissioners of counties of the fourth, fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing; and to repeal all acts and parts of act inconsistent with the provisions of this act.

Mr. LESKO, from the Committee on State Government, reported as committed House Bill No. 1522, entitled:

An Act to further amend sections two hundred five and seven hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a Motor Police Trial Board; setting forth its powers and duties; and regulating the conduct, hours of work, and compensation of members of the Pennsylvania Motor Police.

Mr. YESTER, from the Committee on State Government, reported as committed House Bill No. 1706, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge, Pennsylvania; providing for the control, management, and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Mr. McDERMOTT, from the Committee on State Government, reported as committed, House Bill No. 1723, entitled:

An Act to amend section four of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing for the appointment, compensation and duties of clerks and pages to the majority and minority floor leaders, respectively of the Senate and of the House of Representatives.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 1366, entitled:

An Act to amend the title and act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws" as amended, by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 1367, entitled:

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-five (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a nonresident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 1368, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as reenacted and amended,

by making the moneys in the Motor License Fund available to the Department of Military Affairs, instead of the Department of Revenue, with respect to aeronautical matters.

Mr. STINE, from the Committee on State Government, reported as committed, House Bill No. 1369, entitled:

An Act to amend the title and the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth, conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics.

Mr. McFALL, from the Committee on State Government, reported as committed, House Bill No. 1323, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

Mr. STAMBAUGH, from the Committee on State Government, reported as committed, House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

Mr. YESTER, from the Committee on State Government, reported as committed, House Bill No. 1693, (Senate Bill No. 451), entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting taxation of bonds and securities of States their instrumentalities or political subdivisions and the income therefrom without the consent of the State.

Mr. McKINNEY, from the Committee on State Government, reported as committed, House Bill No. 1673, (Senate Bill No. 592), entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

BILL RE-REFERRED

Mr. BROWN, returned from the Committee on Judiciary General with the recommendation that it be re-referred to the Committee on Judiciary Special, House Bill No. 1665, entitled:

An Act to amend section six hundred and five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

The SPEAKER. The bill is re-referred to the Committee on Judiciary Special.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 616, Printer's No. 657, together with the message from the Senate which were laid on the table May 28, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 616.

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist on its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 616

The SPEAKER. The Chair appoints as a Committee of Conference on said bills Messrs. D'ORTONA, REUBEN E. COHEN and WALTER E. ROSE.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 107.

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the pro-

cedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways [shall] may be free bridges from the effective date of this act or from the date they are so acquired.

HOUSE BILL No. 192.

An Act to amend section 4408 of the act approved the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for appeals by policemen who are fined suspended or discharged after hearing

HOUSE BILL No. 228.

An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-five (P. L. 341) entitled as amended "An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales

HOUSE BILL No. 229.

An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time

HOUSE BILL No. 231.

An Act to reenact and amend the title and the act approved the sixteenth day of May one thousand nine hundred thirty-five (P. L. 208) entitled as amended "An act to provide revenue for State purposes by imposing an excise tax for a limited period of time on the net incomes of certain corporations joint-stock associations and limited partnerships providing for the assessment collection settlement and resettlement of taxes and reviews and appeal therefrom conferring powers and imposing duties on certain persons corporations joint-stock associations limited partnerships State and county officers boards and departments making an appropriation and providing penalties" as previously reenacted and amended by extending the provisions of the act for a further limited period of time

HOUSE BILL NO. 232

An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled "A further supplement to an act entitled

'An act to provide revenue by taxation' approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine" by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations co-partnerships and persons

HOUSE BILL NO. 233

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (P. L. 640) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of the act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto for the insurance of owners of real estate mortgages and others interested in real estate from loss by reason of defective titles liens and encumbrances and of companies entitled to the benefits of and of companies having any of the powers of companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity insurance safety deposit trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplements thereto approved June twenty-seventh one thousand eight hundred and seventy-four and of the supplements thereto approved June twenty-seventh one thousand eight hundred and ninety-five commonly known as title insurance or trust companies" by continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time

HOUSE BILL No. 235.

An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six—P. L. 13) entitled "An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board" as previously reenacted and amended by extending the provisions thereof for a further limited period of time

HOUSE BILL No. 960.

An Act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

RECONSIDERATION OF HOUSE BILL No. 1493

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1493, Printer's No. 670, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania

vania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances

was agreed to on third reading as amended on Wednesday, May 28, be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the third reading as amended of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the third reading as amended of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the amendments to this bill be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I wish to withdraw the amendments.

The SPEAKER. The amendments having been withdrawn House Bill No. 1493 will remain on the third reading calendar.

RECONSIDERATION OF HOUSE BILL No. 1494

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1494, Printer's No. 695, entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

was agreed to on third reading as amended on Wednesday, May 28, be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the third reading as amended of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the third reading as amended of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the amendments to this bill be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I wish to withdraw the amendments.

The SPEAKER. The amendments having been withdrawn House Bill No. 1494 will remain on the third reading calendar.

RECONSIDERATION OF HOUSE BILL No. 1495

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1495, Printer's No. 671, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees' Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties."

was agreed to on third reading as amended on Wednesday, May 28, be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the amendments to this bill be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I wish to withdraw the amendments.

The SPEAKER. The amendments having been withdrawn House Bill No. 1495 will remain on the third reading Calendar.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the third reading as amended of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the third reading as amended of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

MR. SERRILL IN THE CHAIR

BILL ON FIRST READING

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of Mr. SCANLON.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1661, entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and repealing certain laws," providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1441, entitled:

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and constructions of such highways; and making an appropriation to carry out the provisions of said act," changing certain routes in the county of Potter.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1482, entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons providing for the regulation of public utilities, including, to a limited extent, municipalities, engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; plac-

ing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 611, entitled:

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1519, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1659, entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons, associations and corporations.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1676, entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by defining and making further provision relative to the installation and use of "man lift" elevators.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1457, entitled:

An Act establishing certain public roads in Porter Township, Clarion County, and Mahoning Township, Armstrong County, as a State highway; providing for their construction and maintenance by the Department of Highways; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1663, entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1570, entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government; providing for the distribution and sale of such copies; imposing new duties on the Joint State Government Commission; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1716, entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled, as amended "An act imposing a State tax, payable by those herein defined as manufacturers and by others, on malt or brewed beverages used, sold, transported, or delivered within the Commonwealth; prescribing the method and manner of evidencing the payment and collection of such tax; conferring powers and imposing duties on the Department of Revenue, and those using or engaged in the sale, at retail or wholesale, or in the transportation of malt or brewed beverages taxable hereunder; and providing penalties," by prescribing malt beverage tax rates for certain

original containers or standard fractions thereof; fixing a minimum quantity of malt or brewed beverages which may be sold in cases, cartons or boxes; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1631, entitled:

An Act authorizing and directing the Department of Highways to erect, construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum, Allegheny County and a point in Westmoreland County, and to provide the necessary approaches and connections with State highways, providing for the acceptance of Federal aid, empowering counties to pay certain damages, and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 605, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for anthracite and bituminous coal.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 502, entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1686, entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States; providing for the suspension of the enforcement of certain civil liabilities; providing for the re-employment of such persons upon completion of such service; and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for a second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1487, entitled:

An Act providing for the construction and maintenance by the Department of Forests and Water with the advice of the Bushy Run Battlefield Commission, of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 970, entitled:

An Act to further amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), as amended by the act approved the fifth day of June, one thousand nine hundred thirty-seven (P. L. 1703), and to further amend section ten of the act approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 149), as last amended by the act approved the twenty-first day of June, one thousand nine hundred thirty-nine (P. L. 634), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers, and departments; providing for refunds; imposing penalties; and making an appropriation," to provide for the making of Separate reports on liquid fuels sold for aviation purposes, and to further provide for the establishment of an Aviation Liquid Fuels Tax Fund and the return of said taxes to counties of the second class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 941, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property at Ambridge, Beaver County, Pennsylvania, formerly owned and occupied by the Harmony Society and known as "Old Economy."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1337, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1541, entitled:

An Act providing for uniform reports by political subdivisions to departments, boards and commissions of the State Government.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 223, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County, or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules for the preservation and visitation thereof; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1558, entitled:

An Act to further amend section two of the act, approved the twenty-ninth day of March, one thousand eight hundred ninety-nine (P. L. 21), entitled "An act to establish a board for the examination of accountants, to provide for the granting of certificates to accountants, and to provide a punishment for the violation of this act," by further regulating examination of applicants for certificates as accountants, and making said sections conform to the Administrative Code of 1929.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1660, entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessments, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of

certain confidential information to other states and the United States.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1496, entitled:

An Act authorizing the Department of Property and Supplies to construct, erect, and dedicate on the Capitol grounds at Harrisburg, Pennsylvania, a memorial to the memory of James Buchanan; and making an appropriation.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 566, entitled:

An Act to provide revenue by imposing a license tax on the owners of all lawful coin or token operated vending machines, devices or equipment, as herein defined, kept, possessed, used exhibited or operated for profit; providing for the collection of said tax; imposing certain duties upon the Department of Revenue; prescribing penalties and dedicating the proceeds from such tax to the payment of appropriations for general relief.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 353, entitled:

An Act making an appropriation to the Department of Military Affairs, for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female) and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 486, entitled:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth, and afford transportation for defense purposes by providing for the construction, operation and maintenance of a turnpike, from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey; and conferring powers, and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the turnpike, making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances, requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation, and restoration of public roads and state highways affected by the turnpike; providing for condemnation, granting certain powers and authority to municipal subdivisions, and agencies of the

Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1513, entitled:

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended, "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, corporations, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," by exempting assets held by liquidating trustees.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 220, entitled:

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," requiring the Department of Highways to take over bridges and viaducts on State Highways in cities of the third class.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1650, entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects; authorizing the Secretary of Highways on behalf of the Commonwealth, and the authorities of the various counties, cities, boroughs and townships to grant and convey certain rights and easements in and relative to the highways, streets, roads and bridges thereof and lands

bordering the same over which such governmental units may have control.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1182, entitled:

An Act to increase the usefulness of the Farm Show Building and Arena; providing for holding of various exhibitions and shows; creating State show commissions as departmental administrative commissions in various departments and agencies of the State government; and making appropriations.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1662, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania; or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization, and extending the provisions of the act to vocational school districts and institution districts.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1678, entitled:

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by removing certain limitations of the appointment of district superintendents.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1525, entitled:

An Act to amend section seven hundred and one and to further amend section seven hundred six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," authorizing the various boards of school directors to pur-

chase and furnish, free of charge, uniforms for the members of school bands and orchestras.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1692, (Senate Bill No. 465), entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1691, (Senate Bill No. 419), entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg in the county of Dauphin and the borough of New Hope in the county of Bucks.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1382, (Senate Bill No. 448), entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools, creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board, imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four hundred sixteen of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 997, entitled:

An Act to amend subsection (e) of section three hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues, establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by allowing common law actions in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1529, entitled:

A Supplement to the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways, authorizing their construction, maintenance and improvement under certain conditions and restrictions, limiting the obligation of the Commonwealth in the construction of certain structures located on such highways, conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1509, entitled:

An Act providing for increase in salaries of all teachers, school secretaries, nurses, attendance officers and all other regular employees of school districts of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1709, entitled:

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain

records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1530, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna River between a point in or near the Borough of Blakely, Lackawanna County, and a point in or near the Borough of Olyphant in Lackawanna County and to provide the necessary approaches thereto; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 991, entitled:

An Act to add section 435 to the act approved June second, one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," providing that hospitals, institutions, physicians, surgeons and others furnishing medical, dental or nursing services, hospital treatment, artificial appliances, medicines and supplies for which the employer is liable, shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1638, entitled:

An Act to repeal subdivision (d) of article six containing sections 651, 652, 653, 654, and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds association reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1542, entitled:

An Act to amend route 55121, as added to the act, approved the twenty-second day of June, one thousand nine

hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," changing a route in the County of Somerset.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 989, entitled:

An Act to amend section four hundred and eighteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies; Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by allowing certain exemptions to be waived in favor of labor unions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1640, entitled:

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762) entitled "An act providing for the creation and administration of State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employees of the board.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1639, entitled:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Fund shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain sections and subsections.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 722, entitled:

An Act to further amend section twenty-one of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring, and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received from monument and memorial purposes; and prescribing penalties," by imposing a tax on the privilege of attending such spectacles; and repealing former tax.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 723, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1477, (Senate Bill No. 418), entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirteenth of each year as Commodore John Barry Day.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

QUESTION OF PERSONAL PRIVILEGE

Mr. MARKS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Berks will state his question of personal privilege.

Mr. MARKS. Mr. Speaker, yesterday afternoon about five minutes to four, after I had voted against the recommendation of House Bill 849, I went to the rear of the House because I was feeling very badly. Not knowing there would be a long discussion on House Bill 849, I had to go to the hotel in a hurry. The House adjourned sometime around five o'clock, and by that time the House had reached a vote on Senate Bill 507 on which I am recorded as not having voted. I wish to state that the Berks County delegation had definitely decided to vote against the Wade Bill, and against the amendments offered by Mr. Achterman.

I ask that my remarks be spread upon the Legislative Journal because there was a definite understanding among the five members of the Berks County delegation we would not support the Wade Bill. I thank you.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1195, entitled:

An Act to amend article three of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the formation of State and county associations of assessors or other assessing and taxing officers providing for the organization operation and meetings thereof and imposing the duty of paying certain expenses connected therewith upon counties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1197, entitled:

An Act to amend Sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" changing certain provisions relating to the incorporation of new boroughs and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more and for the organization of the government therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1653, (Senate Bill No. 587), entitled:

An Act to amend section three hundred six of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare, and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution district; and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," authorizing the county commissioners to appoint and fix the compensation of a solicitor for county institution districts in counties of the third class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1672, (Senate Bill No. 572), entitled:

An Act extending the time for taking appeals to the Supreme and Superior Courts in actions or proceedings at law or in equity in the courts of common pleas orphans' courts municipal court of Philadelphia and county court of Allegheny County where petitions for rehearing or reargument are filed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1474, (Senate Bill No. 365), entitled:

An Act to provide that notices to delinquent taxpayers or statements of such delinquents and the publication of municipal liens or notices thereof shall not be required of the receiver of taxes or of the city solicitor, and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 790, (Senate Bill No. 151), entitled:

An Act authorizing and directing county treasurers to execute deeds for unseated and seated lands sold by their predecessors in office and validating deeds heretofore so executed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1619, (Senate Bill No. 346), entitled:

An Act to amend section two hundred one and to further amend sections two hundred two and four hundred four of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending revising and consolidating the law relating thereto, and repealing existing laws," making the levying of a tax on trades, occupations, professions and persons who follow no occupation or calling optional in counties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1424, entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade providing that the failure to stop shall not in itself constitute negligence or contributory negligence and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1475, (Senate Bill No. 364), entitled:

An Act requiring receivers of Taxes in and for cities of the first class to furnish certificates of taxes water rents and claims which are liens on real estate without charge to owners of said real estate or other parties having an interest therein and limiting the liability of the Receiver for errors in said certificates and retaining the liens of all unpaid taxes water rents and claims against such property though the same are not set forth in said certificate and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1581, (Senate Bill No. 224), entitled:

An Act to amend section three hundred and ten of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons and children; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; imposing certain existing obligations on institution districts and on the Commonwealth; regulating the affairs of poor districts until abolished; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws," providing for the administration of the finances of institution districts in counties having a county controller; and conferring powers and imposing duties on county controllers, commissioners and treasurers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 687, entitled:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine

hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1328, entitled:

An Act to reenact and amend the title and the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 526) entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts" by including second class counties cities of the second class and institution districts within the provisions of the act

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1248, entitled:

An Act providing for proceedings by petition in non-support and desertion cases

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1256, entitled:

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made providing for the confinement of such persons imposing certain duties on magistrates and imposing penalties

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1626, entitled:

An Act to protect public health safety and morals and to promote the common welfare by regulating the use and occupancy re-use and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners agents and tenants to obtain such certificates of occupancy conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class providing appeals to the Zoning Board from refusals of the Department of Health to issue certificates providing for inspections and inspection fees and the institution of prosecu-

tions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 129, entitled:

An Act to add sections three hundred and fourteen and three hundred fifteen to article three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaged in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, Companies, Corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," prohibiting certain public utilities from imposing penalties by reason of the late payments of service charges by consumers, and prohibiting certain public utilities from imposing minimum or meter charges.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. MORAN asked and obtained unanimous consent to address the House.

Mr. Speaker, It is not often that I arise to address the House, but in this instance I must make a statement with respect to Memorial Day which all of us will so solemnly celebrate Friday, May 30.

Memorial Day found its origin in the patriotism of survivors who wished to memorialize their departed comrades of the battlefields. Down the years this has been observed as fitting and proper, but since the first Memorial Day, which years ago was called by most of us, Decoration Day, there has arisen another reason for the nation-wide celebration of this day in the United States.

This new reason has not been widely observed, but I believe it should be included along with the observance of the day by the military and naval authorities.

In peace and in war, labor, as we refer to those who are not executives in our tremendous industrial organization, always, year after year serve their nation as patriotically as any group. Often those who toil in offices, on farms, in factories and in mines are either exempt or are too old to perform military service. Many of these have felt that they too should have a part in the celebration of Memorial Day since without the industry to supply equipment to fight we never could put a man in the field or aboard ship.

Those who worked in industry to provide the sinews with which to fight take great pride in the fact that this nation of ours never lost a war. A considerable part of the credit for winning each of our wars rightfully belongs to the man who stands behind the man behind the gun.

This crisis in which we now find ourselves is no different from any other in which the United States has become involved. But this time, there is greater emphasis on labor's part than in the last two major wars that I can remember.

We all know there are divergent views between employers and the employees. We all know that this situation will probably always exist so long as we have our form of government, and as for me I hope that we shall always have this form of government, but that it shall not always be necessary to have intermittent industrial strife.

In this grave international emergency when all our cherished heritages of freedom, of liberty, of opportunity are at stake, there have been industrial dislocations unnecessarily caused by both the employers and by the employees.

It seems to me that this tremendous waste occasioned by these interruptions of production could have been avoided, not only in the interest of equitable consideration, but also as each side's contribution toward the saving of our democracy.

This is not the time, nor the place, to rattle skeletons of industrial strife, nor to attempt to fix the responsibility for the lost time.

We in Pennsylvania, are intelligent enough to realize that one of the many causes of the downfall of France was the ever widening differences between employers and the employees. Neither side wished to acknowledge that the other had a right to equitable treatment. The result was chaos when the crucial hour arrived. Men were not at their places, and the employers were negotiating with those whom they unfortunately thought would be their friends. What has happened to these appeasers now is well known. Both the employers and the employees have lost all they had accumulated in property and in savings,

We in the United States are not going to follow the ways of those who have been destroyed by a short-sightedness that finds its germination in greed, in inconsiderateness, and the unwillingness of either employers or employees to attempt to reconcile their differences without resorting to unnecessary stoppage of defense production.

No honest employe, or employer wishes that to befall our nation which now plagues business, industry and labor in some former industrial European nations.

I think there should be a period of discussing the claims of either side before any man leaves his place. I also think that no employer should refuse to consider the beliefs of his employees. Moreover, I believe that where there is genuine collective bargaining, there would be a period of mediation—a cooling-off period, as it has sometimes been called, during which each side could specifically state its case, leaving out factors which have nothing to do whatsoever with the demands, or the compromises of either side. In agreeing to negotiate for a period without first "going on the street" I think that both employees and employers can make a contribution toward our complete national security that will shake the knees of those dictators who would have us fight among ourselves and when we are divided, to administer the opiate of so-called security disguised as the "New Order," that in reality has become a new form of virtual slavery.

I know that the honest employees are as anxious to rid themselves of those who would cause unnecessary dissension and consequent disruption in defense-production, as are employers to avoid any break-down.

In this situation, it is all for one and one for all, or there will be confiscation and slavery for all of us.

SENATE BILL No. 1004 MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker I move that House Bill No. 1724 (Senate Bill No. 1004), Printers No. 361, on page 47 of today's calendar, bills on third reading, be made a special order of business immediately.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1724, (Senate Bill No. 1004), as follows:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also by the Governor the Auditor General and the State Treasurer or the majority thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million two hundred fifty-three thousand six hundred dollars (\$6,253,600) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall

allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act the Governor the Auditor General and the State Treasurer or the majority thereof shall from time to time allocate to the Department of the Auditor General and the Treasury Department respectively such sums as may be deemed necessary to pay the administrative expenses of the Department of the Auditor General and the Treasury Department in auditing and disbursing appropriations for or relating to public assistance including any Federal funds supplementing such appropriations

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally? ..

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	McClanaghan,	Royer,
Baker,	Gillan,	McClester,	Rush,
Balthaser,	Goodwin,	McDermott,	Sarraff,
Bentley,	Greenwood,	McDowell,	Scanlon,
Bentzel,	Gryskewicz,	McFall,	Schwab,
Boles,	Gyger,	McGrath,	Serrill,
Boney,	Habbyshaw,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Breth,	Hall,	McLane,	Simons,
Bretherick,	Hamilton,	McMillen,	Skale,
Brown,	Hare,	McSurdy,	Snyder,
Brunner, P. A.,	Harkins,	Melchiorre,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burris,	Heatherington,	Monks,	Stank,
Cadwalader,	Helm,	Mooney,	Stine,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Moul,	Tate,
Cochran,	Hersch,	Muir,	Taylor,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nagel,	Thompson, R. L.,
Cordier,	Huntley,	Nunemacher,	Trout,
Corrigan,	James,	O'Brien,	Turner,
Croop,	Jefferson,	O'Dare,	Van Allsburg,
Dalrymple,	Jones, P. N.,	O'Mullen,	Verona,
Dennison,	Keenan,	O'Neill,	Vincent,
DiGenova,	Kenehan,	Owens,	Vogt,
Dix,	Kline,	Petrosky,	Voldow,
Dolon,	Knoble,	Pettit,	Voorhees,
D'Ortona,	Kolankiewicz,	Polaski,	Wagner,
Duffy,	Komorowski,	Polen,	Watkins,
Early,	Krise,	Powers,	Wels,
Elder,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Rank,	Wilkinson,
Ely,	Leisey,	Readinger,	Williams,
Falkenstein,	Leonard,	Reagan,	Winner,
Finestone,	Lesko,	Reese, D. P.,	Wolf,
Finnerty,	Levy,	Reese, R. E.,	Wood, N.,
Fliss,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy,
Gallagher,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested,

BILLS ON FINAL PASSAGE NOT ON FILE

The SPEAKER. House Bill No. 1166, Printer's No. 736; House Bill No. 891, Printer's No. 744 and House Bill No. 1094, Printer's No. 805, bills on final passage on page 27 of today's calendar, are not on file and will be passed over.

BILL ON THIRD READING

BILL PASSED OVER

There being no objection House Bill No. 788, Printer's No. 637 was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1636, as follows:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In the interests of national defense and the advancement of aviation the Secretary of Property and Supplies with the approval of the Governor is hereby authorized to give and transfer unto the Government of the United States or any department agency or instrumentality thereof including among others the Civil Aeronautics Administration all visual and radio aviation navigational aids now the property of the Commonwealth of Pennsylvania and in the possession of the Division of Aeronautics of the Department of Revenue

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Royer,
Baker,	Gillian,	McClanaghan,	Rush,
Balthaser,	Goodwin,	McClester,	Sarraff,
Bentley,	Greenwood,	McDermott,	Scanlon,
Bentzel,	Gryskewicz,	McDowell,	Schwab,
Boies,	Gyger,	McFall,	Serrill,
Boney,	Habbyshaw,	McGrath,	Shaffer,
Bower,	Haberlen,	McIntosh,	Shaw,
Bradley,	Haines,	McKinney,	Shepard,
Bretherick,	Hall,	McLanahan,	Simons,
Brown,	Hamilton,	McLane,	Skale,
Brunner, P. A.,	Hare,	McMillen,	Snyder,
Burns,	Harkins,	McSurdy,	Sorg,
Burris,	Harmuth,	Melchiorre,	Stambaugh,
Cadwalader,	Heatherington,	Modell,	Stank,
Chervenak,	Helm,	Monks,	Stine,
Chudoff,	Hering,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Moul,	Taylor,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, E. F.,
Cordier,	Holland,	Munley,	Thompson, R. L.,
Corrigan,	Huntley,	Nagel,	Trout,
Croop,	James,	Nunemacher,	Turner,
Dalrymple,	Jefferson,	O'Brien,	VanAilsburg,
Dennison,	Jones, P. N.,	O'Dare,	Verona,
DiGenova,	Keenan,	O'Mullen,	Vincent,
Dix,	Kenehan,	O'Neill,	Vogt,
Dolon,	Kline,	Owens,	Voldow,
D'Ortona,	Knoble,	Petrosky,	Voorhees,
Duffy,	Kolankiewicz,	Pittit,	Wagner,
Early,	Komorowski,	Polaski,	Watkins,
Elder,	Krise,	Polen,	Weiss,
Elliot,	Lee, E. A.,	Powers,	Welsh, E. B.,
Ely,	Lee, T. E.,	Prosen,	Wilkinson,
		Rank,	

Falkenstein,	Leisey,	Readinger,	Williams,
Finestone,	Leonard,	Reagan,	Winnor,
Finnerty,	Lesko,	Reese, D. P.,	Wolf,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fleming,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Yeung,
French,	Malloy,	Rooney,	Kilroy,
Gallagher,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 910, as follows:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions regulating the payment thereof and conferring powers and imposing duties on the Department of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and may be cited as the "Agricultural Exhibitions Law"

Section 2 Definitions "Agricultural Exhibition" shall mean any public exhibition conducted annually by an incorporated agricultural association or by a county for the purpose of encouraging and promoting agriculture (including vegetable seeds and grains) horticulture floriculture poultry-raising stock-raising dairying beekeeping domestic arts vocational education 4-H Club work and kindred products and activities

"Department" shall mean the Department of Agriculture of this Commonwealth

"Premiums" shall mean premiums paid for exhibits of products and activities of this Commonwealth approved by the department and shall not include premiums paid on trials of speed

Section 3 Payments by Commonwealth For the purpose of encouraging agriculture domestic arts and the holding of agricultural exhibitions an incorporated agricultural association or county conforming to the requirements of this act is entitled to receive from the Commonwealth an annual sum not exceeding one thousand dollars equal to the amount paid by such association or county as premiums at its annual exhibition

Section 4 More Than two Annual Exhibitions In case there is more than two association holdings such annual exhibitions in a county such associations shall be entitled to receive from the Commonwealth a sum not exceeding in the aggregate the sum of two thousand five hundred dollars to be apportioned by the department among such associations according to the amount of premiums not in excess of one thousand dollars paid at the last exhibition of each of such associations No association or county shall receive from the Commonwealth a greater sum than that actually paid in cash to bona fide exhibitors by the association or county as premiums

Section 5 Qualifications for Benefits (a) In order to participate in the benefit of this act incorporated agricultural associations and counties shall hold annual agricultural exhibitions which shall continue at least three consecutive days

(b) No immoral lewd obscene or indecent shows or exhibitions no gambling and no unlawful sale of liquor or malt or brewed beverages shall be permitted on the grounds of any agricultural exhibition or in so far as the same can be controlled by the association or county conducting the exhibition on any ground adjacent thereto

(c) All receipts of every agricultural association from every source whatsoever and all receipts from or in con-

nection with any agricultural exhibition conducted by any county shall be deposited in a separate account in a banking institution of this Commonwealth and all payments made by such association or by any county in connection with such exhibitions shall be made by check. All records papers checks stubs vouchers and orders of any agricultural association and of any county pertaining to the holding of agricultural exhibitions shall be preserved for a period of five years and shall be open to examination by the department.

(d) Any agricultural association or county failing to comply with any of the provisions of this act or the character of whose annual exhibition is in the opinion of the department not worthy of such benefits may be refused participation therein.

Section 6 Annual Reports Payments Not later than thirty days after the holding of each annual exhibition each association or county applying for the benefits of this act shall file with the department a statement setting forth (1) the name of the association or county (2) the time and place of the exhibition (3) the amount of premiums actually paid (4) the names and addresses of the persons to whom such premiums were paid (5) the class kind or department in which paid and (6) such additional information as the department may require. In the case of associations such statements shall be sworn to by its president and shall bear the seal of the association duly attested by its secretary. In the case of counties such statements shall be sworn to by the chairman of the board of county commissioners and shall bear the seal of the county duly attested by the chief clerk of the county commissioners. All payments by the Commonwealth shall be made on or before the fifteenth day of January of the year following the year in which the exhibition was held.

Section 7 Associations and Counties Not Heretofore Receiving State Aid Every incorporated agricultural association and every county not heretofore receiving State appropriations intending to avail itself of the benefits of this act shall file with the department a declaration of its intention to apply therefor. No such association or county shall be entitled to participate in the benefits of this act until it shall have (1) held two consecutive annual agricultural exhibitions (2) paid premiums during the second year of not less than one hundred fifty dollars and (3) filed its reports for such two years in the manner herein provided in the case of associations and counties receiving such benefits. The benefits to any such association or county for its third and fourth years shall be limited to the amount it paid in premiums during its second year. This section shall not apply to a county agricultural association heretofore incorporated owning their own buildings and grounds which shall hold annual agricultural exhibitions nor to a county agricultural association heretofore or here after incorporated which shall resume the holding of annual agricultural exhibitions after such exhibitions have been for a period of not more than two consecutive years temporarily discontinued.

Section 8 Administration The provisions of this act shall be administered by the Department of Agriculture which for such purpose shall have power to adopt and enforce such rules and regulations as it shall deem necessary.

Section 9 Repeals Status Under Repealed Acts The act approved the twenty-fifth day of July one thousand nine hundred and seventeen (P. L. 1195) entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions providing State aid for certain agricultural associations and regulating the payment thereof" and its amendments are hereby repealed.

All other acts and parts of acts inconsistent herewith are hereby repealed.

No such repeal shall effect the status acquired by any incorporated agricultural association or county under any law hereby repealed but such associations and counties upon compliance with the provisions of this act shall be entitled to participate in the benefits hereof in all respects as though such acts had not been repealed.

Section 10 Effective Date The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time,
On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarrafi,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlien,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliot,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Leisey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winnor,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 811, as follows:

An Act to amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also

declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization re-distillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as last amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1283) and section three of the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1811) is hereby further amended to read as follows

Section 3 It shall be unlawful for any person without a license from the Commonwealth obtained as herein-after provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid [except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification, and sell the same to permit-holding winery or to Pennsylvania State Stores upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars (\$500) and the securing of a permit] [at a fee of twenty dollars (\$20) per annum The bond and permit shall be under the same terms and provisions as other bonds and permits provided for by this act Any person may manufacture wine out of grapes grown by him without a permit or without filing a bond for the purpose of selling the same to a permit-holding winery or to Pennsylvania State Stores]

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Goodwin,	McClanaghan,	Rosenfeld,
Baker,	Greenwood,	McClester,	Royer,
Balthaser,	Gryskewicz,	McDermott,	Rush,
Bentley,	Gyger,	McDowell,	Sarra,
Bentzel,	Habbyhaw,	McFall,	Scanlon,
Boles,	Haberlen,	McGrath,	Schwab,
Boney,	Haines,	McIntosh,	Serrill,
Bower,	Hall,	McKinney,	Shaffer,
Bradley,	Hamilton,	McLanahan,	Shaw,
Bretherick,	Hare,	McLane,	Shepard,
Brown,	Harkins,	McMillen,	Simons,
Brunner, P. A.,	Harmuth,	McSurdy,	Skale,
Burns,	Heatherington,	Melchiorre,	Snyder,
Cadwalader,	Helm,	Modell,	Sorg,
Chervenak,	Hering,	Monks,	Stambaugh,
Chudoff,	Herman,	Mooney,	Stank,

Cochran,	Hersch,	Moran,	Stine,
Cohen, M. M.,	Hewitt,	Moul,	Tarr,
Cohen, R. E.,	Holland,	Muir,	Tate,
Cordier,	Huntley,	Munley,	Taylor,
Corrigan,	James,	Nagel,	Thompson, E. F.,
Croop,	Jefferson,	Nunemacher,	Thompson, R. L.,
Culrumpie,	Jones, P. N.,	O'Brien,	Trout,
Dennison,	Keenan,	O'Dare,	Turner,
DiGenova,	Kenehan,	O'Mullen,	Van Allsburg,
Dix,	Kline,	O'Neill,	Verona,
Doion,	Knoble,	Owens,	Vincent,
D'Ortona,	Kolankiewicz,	Petrosky,	Vogt,
Duffy,	Komorowski,	Pettit,	Voldow,
Early,	Krlse,	Polaski,	Voorhees,
Elder,	Lee, E. A.,	Polen,	Wagner,
Elliot,	Lee, T. H.,	Powers,	Watkins,
Ely,	Leisey,	Prosen,	Wells,
Falkenstein,	Leonard,	Rank,	Welsh, E. B.,
Finestone,	Lesko,	Readinger,	Wilkinson,
Flinnerty,	Levy,	Reagan,	Williams,
Fiss,	Leydic,	Reese, David P.,	Winnier,
Fletcher,	Lichtenwalter,	Reese, R. E.,	Wolf,
Flynn,	Longo,	Regan,	Wood, N.,
Foor,	Lyons,	Reynolds,	Woodring,
French,	Malloy,	Rhea,	Woodside,
Gallagher,	Marks,	Riley,	Yester,
Gerard,	Maxwell,	Rooney,	Young,
Gillan,			Kilroy, Speaker.

NAYS—1

Burris,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 830, as follows:

An Act to amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 2 3 201 401 406 subsection (b) of section 409 sections 410 411 412 413 the first paragraph of section 414 the first paragraph of section 415 sections 503 602 604 607 subsection (d) of section 609 and section 611 of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages

not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board shall from time to time prescribe

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer or winery at the place of manufacture or production with the name and address of the manufacturer or winery of the malt or brewed beverages or natural wines contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which

is spirituous vinous fermented or otherwise alcoholic including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol [and] malt or brewed beverages and natural wines

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquor alcohol [and] malt or brewed beverages and natural wines in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Natural Wines" shall mean any beverage obtained by the natural fermentation only of the sugar contents of fruits or other agricultural products containing sugar or by adding sugar and to which no alcohol or alcoholic product has been added by way of fortification and which contains one-half of one per centum or more of alcohol by volume

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol [or] malt or brewed beverages or natural wines for a consideration "Winery" shall mean and include all persons holding licenses issued by the board to engage in the production transportation and sale of natural wines and all persons engaged in the local production of natural wines within the territorial limits of the United States outside the Commonwealth of Pennsylvania

Section 3 Interpretation of Act (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor alcohol [and] malt or brewed beverages and natural wines which take place in this Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor alcohol [and] malt or brewed beverages and natural wines within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective

This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth.

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence.

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act. The singular shall include the plural and the masculine shall include the feminine and the neuter.

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act.

Provided however That all purchases shall be made subject to the approval of the Auditor General or his designated deputy.

(b) To control the manufacture production possession sale consumption importation use transportation and delivery of liquor alcohol [and] malt or brewed beverages and natural wines in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania liquor stores. Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsalable merchandise. The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors other than wine selling such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer. Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the liquors for selling liquors manufactured in Pennsylvania and in the case of a nonresident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country. In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer. All permit fees so collected shall be paid into the State Stores Fund. The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania.

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities.

(d) To grant issue suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board.

(e) Through the Department of Property and Supplies as agent to lease and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act.

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors examiners clerks and other employees as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act.

Such employees of the board as are designated "enforcement officer" or "investigator" are hereby declared to be peace officers and are hereby given police power

and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the unlawful sale importation manufacture production or transportation or having unlawful possession of liquor alcohol or malt or brewed beverages or natural wines contrary to the provisions of this act or any other law of this Commonwealth. Such officers and investigators shall have power and authority upon reasonable and probable cause to search for and to seize without warrant or process except in private homes any liquor alcohol [and] malt or brewed beverages and natural wines unlawfully possessed manufactured sold imported or transported and any stills equipment materials utensils vehicles boats vessels animals aircraft or any of them which are or have been used in the unlawful manufacture sale importation or transportation of the same. Such liquor alcohol malt or brewed beverages natural wines stills equipment materials utensils vehicles boats vessels animals or aircraft so seized shall be disposed of as hereinafter provided.

(g) To determine the nature form and capacity of all packages and original containers to be used for containing liquor alcohol or malt or brewed beverages or natural wines any other law to the contrary notwithstanding.

(h) Without in any way limiting or being limited by the foregoing to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder.

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt or brewed beverages and natural wines to guests patrons or members for consumption on the hotel restaurant or club premises. Such licensees other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and natural wines in quantities of not more than one hundred twenty-eight fluid ounces in a single sale to one person. Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively. No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license nor shall such a person have any interest directly or indirectly in any such license.

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars (\$2,000). Such bond shall have as surety a duly authorized surety company or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds. In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are

pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such a bond and when securities have been deposited as collateral with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors alcohol [and] malt or brewed beverages and natural wines Such bond shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act

Section 409 License Year Renewal of Licenses

* * * * *

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless the board shall have given ten days' previous notice of objections to the renewal of his license based upon violation by the licensee or his servants agents or employees of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol [or] malt or brewed beverages or natural wines or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new approved bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol [or] malt or brewed beverages or natural wines or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt [or] brewed beverages or natural wines by any licensee his officers servants agents or employees or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show why such license should not be suspended or revoked Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor [or] malt or brewed beverages or natural wines until the expiration of three years from the date such license was revoked In the event the board

shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses Such appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of hotel restaurant and club licensees the offer in compromise shall be at the rate of ten dollars for each day of suspension and in the case of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollars per day No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor [and] malt or brewed beverages and natural wines by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor [or] malt or brewed beverages or natural wines to any person except a member of the club No club holding a catering license nor its officers servants agents or employees shall sell on Sunday to non-members any liquor [or] malt or brewed beverages or natural wines In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employees may sell liquor [and] malt or brewed beverages and natural wines only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employees may sell liquor [or] malt or brewed beverages or natural wines between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor [and] malt or brewed beverages and natural wines may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages and natural wines at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than

clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and natural wines in quantities of not more than one hundred twenty-eight fluid ounces in a single sale to one person. No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages and natural wines only.

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor [and] malt or brewed beverages and natural wines to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor [or] malt or brewed beverages or natural wines to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited. Such licenses shall be known as public service liquor licenses. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day. Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated.

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired. The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law.

Every applicant for a public service liquor license shall before receiving such license pay to the board for each of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars (\$100).

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section.

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued. Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section.

Sales of liquor [and] malt or brewed beverages and natural wines by public service licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees.

Section 414 Sacramental Wine Licenses Every applicant for a sacramental wine license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations

of the board relating to liquor alcohol [and] malt or brewed beverages and natural wines. Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board.

Section 415 Importers' Licenses Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor alcohol [and] malt or brewed beverages and natural wines. Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board.

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place after the expiration of his existing license in any local option area where the electors have voted against such sales but the sale of malt or brewed beverages or natural wines by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law.

Section 602 Unlawful Acts (1) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any devise to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospitals physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used. All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopeia of the United States the National Formulary or the American Homeopathic Pharmacopeia.

(2) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired. But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one calendar year two hundred gallons any other law to the contrary notwithstanding. Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises.

(3) It shall be unlawful for any person within this Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or devise whatsoever to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store except in accordance with the provisions of this act or the regulations of the Board.

(4) It shall be unlawful for any person except a manu-

facturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine license to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board. The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in clause (b) of this section.

(5) It shall be unlawful for any licensee or the board or any employe servant or agent of such licensee or of the board to sell furnish or give any liquor [or] malt or brewed beverages or natural wines or to permit any liquor [or] malt or brewed beverages or natural wines to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits.

(6) It shall be unlawful for any licensee his agent servant or employe to sell or offer to sell or purchase or receive any liquor [or] malt or brewed beverages or natural wines except for cash excepting credit extended by a hotel or club to a bona fide guest or member. No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause. Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual place charged for package or original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor if such original containers or packages have been returned to the licensee. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor [or] malt or brewed beverages or natural wines sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor [or] malt or brewed beverages or natural wines so sold are actually transported and delivered to points outside of the Commonwealth. Provided however That as to all transactions affecting malt or brewed beverages or natural wines to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces.

(7) It shall be unlawful for any licensee or the board or any employe servant or agent of a licensee or of the board to sell offer to sell or furnish any liquor [or] malt or brewed beverages or natural wines to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages.

(8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth.

(9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatever relating to liquor [or] malt or brewed beverages or natural wines unless the actual value of such advertisement if hereafter erected shall not be more than twenty-five dollars. No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon anything except the trade name trade-mark or place of manufacture of the liquor or malt or brewed beverages manufactured or sold by him.

(10) It shall be unlawful for any manufacturer or licensee or his servants agents or employes to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of

any particular liquor [or] malt or brewed beverages or natural wines or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars (\$10). It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board.

(11) It shall be unlawful for any licensee his servants agents or employes to advertise or hold out for sale any liquor [or] malt or brewed beverages or natural wines by trade name or other designation which would indicate the manufacturer or place of production of the said liquor [or] malt or brewed beverages or natural wines unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor [or] malt or brewed beverages or natural wines so advertised to meet requirements to be normally expected as a result of such advertisement or offer.

(12) It shall be unlawful for any licensee his agents servants or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus.

(13) It shall be unlawful for any licensee or his servants agents or employes to transport sell deliver or purchase any malt or brewed beverages or natural wines upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or natural wines or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced. This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages or natural wines intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage or natural wines must be stated upon the package.

(14) It shall be unlawful for any licensee except club licensees to permit in any licensed premises or in any place operated in connection therewith dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not. The board shall have power to provide for the issue of such special permits and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25). All such fees shall be paid into the State Stores Fund. No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places. Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liquor license.

(15) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage or natural wines including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage or natural wine manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage or natural wine on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage or natural wine advertised or labeled contrary to the provisions of this clause.

(16) It shall be unlawful for any retail licensee his

agents servants or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(17) It shall be unlawful for any person to have alcohol in his possession except in accordance with this act and the regulations of the board

(18) It shall be unlawful for any hotel restaurant or club licensee or any servant agent or employe of such licensee to be at the same time employed directly or indirectly by any other person engaged in the manufacture sale transportation or storage of liquor malt or brewed beverages natural wines or alcohol

(19) It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business particularly showing the date of all purchases of liquor [and] malt or brewed beverages and natural wines the actual price paid therefor and the name of the vendor including State store receipts or to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(20) It shall be unlawful for any hotel restaurant or club licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

(21) It shall be unlawful for any hotel restaurant or club licensee his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

(22) It shall be unlawful for any licensee or his servants agents or employes to cash pay roll checks except in accordance with board regulations

(23) It shall be unlawful for any restaurant hotel or club licensee his servants agents or employes to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom

(24) It shall be unlawful for any licensee his servants agents or employes to give furnish trade barter serve or deliver any liquor [or] malt or brewed beverages or natural wines to any person during hours or on days when the licensee is prohibited by this act from selling liquor [or] malt or brewed beverages or natural wines

(25) It shall be unlawful for any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to any hotel restaurant or club licensee licensed under this act or to any importing distributors distributors package retailers or retail dispensers licensed under any other act of this Commonwealth relating to liquor [or] malt or brewed beverages or natural wines

(26) It shall be unlawful for any restaurant or hotel licensee his servants agents or employes to sell any liquor [or] malt or brewed beverages or natural wines for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a hotel licensee or a restaurant licensee when the restaurant is located in a hotel from selling liquor [or] malt or brewed beverages or natural wines in any room of such hotel occupied by a bona fide guest

(27) It shall be unlawful for any restaurant hotel or club licensee or the servants agents or employes of such licensee to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell liquor [or] malt or brewed beverages or natural wines except in the interior of the licensed premises where the display cannot be seen from the outside the price at which liquor

[or] malt or brewed beverages or natural wines will be sold by him

(28) It shall be unlawful for any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business

(29) It shall be unlawful for any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of liquor [or] malt or brewed beverages or natural wines or any other commodity manufactured or sold by the licensee

(30) It shall be unlawful for any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor [or] malt or brewed beverages or natural wines from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

Section 604 Things of Value Not to be Offered It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor [or] malt or brewed beverage or natural wine or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor [or] malt or brewed beverage or natural wine or for any other purpose whatsoever in connection with the sale of such liquor [or] malt or brewed beverage or natural wine or for any licensee manufacturer or other person to offer or give to trade or consumer buyers any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define Provided however That this section shall not apply to the return of any monies specifically deposited for the return of the original containers to the owners thereof

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor alcohol [or] malt or brewed beverages or natural wines whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) No members or employe of the board nor any employe of the Commonwealth shall solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor or alcohol to or purchasing at wholesale liquor or alcohol from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe

Section 609 Interlocking Business Prohibited

* * * * *

(d) Excepting as herein provided no hotel licensee restaurant licensee or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor [or] malt or brewed beverages or natural wines nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or

give anything of value or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverages

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage or natural wine illegally possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol malt or brewed beverages or natural wines and the same shall be deemed contraband and shall be forfeited to the Commonwealth. No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol malt or brewed beverage or natural wine was so illegally possessed or property so used in the illegal manufacture production or transportation of liquor alcohol malt or brewed beverage or natural wine such liquor alcohol or brewed beverage natural wine or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon the conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol malt or brewed beverage or natural wine and property seized or obtained from such defendants except that the court may order the liquor alcohol malt or brewed beverages or natural wines or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order. Except that any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol malt or brewed beverages and natural wines and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol malt or brewed beverages and natural wines or any part thereof to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion. Notice of such sale shall be given in such manner as the board may prescribe. The proceeds of such sale shall be paid into the State Stores Fund

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol malt or brewed beverages or natural wines were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol malt or brewed beverages or natural wines in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle. Provided That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the sale thereof as above provided

(d) (1) The proceedings for the forfeiture or condemnation of all property shall be in rem in which the Com-

monwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (I) A description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth unless cause be shown to the contrary

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows

"To the Claimant of Within Described Property

You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property"

Said notice shall be signed by petitioner or his attorney or the district attorney or the Attorney General

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court notice of said petition shall be given by an advertisement in only one newspaper of general circulation published in the county where such property shall have been seized once a week for two (2) successive weeks. No other advertisement of any sort shall be necessary any other law to the contrary notwithstanding. Said notice shall contain a statement of the seizure of said property with a description thereof the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication

(4) Upon the filing of any claim for said property setting forth a right of possession thereof the case shall be deemed at issue and a time be fixed for the hearing thereof

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used the burden shall be upon the claimant to show (I) that he is the owner of said property (II) that he lawfully acquired the same and (III) that it was not unlawfully used or possessed. In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor alcohol malt or brewed beverage or natural wine or still equipment material utensil vehicle boat vessel container animal or aircraft was lawfully acquired possessed and used then the court may order the same returned or delivered to the claimant but if it appears that the property was unlawfully used it shall be destroyed or be turned over to the board (as the case may be) as hereinabove provided

(e) The provisions of this section shall apply to the disposition of any liquor alcohol malt or brewed beverage or natural wine or property in the custody of the law or of any officer at the time of the passage of this act

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Gillan,	McClanaghan,	Rush,
Baker,	Goodwin,	McDermott,	Sarra,
Balthaser,	Greenwood,	McDowell,	Scanlon,
Bentley,	Gryskewicz,	McFall,	Schwab,
Bentzel,	Cyger,	McGrath,	Serrill,
Boles,	Habbyshaw,	McIntosh,	Shaffer,
Boney,	Haberlen,	McKinney,	Shaw,
Bower,	Haines,	McLanahan,	Shepard,
Bradley,	Hall,	McLane,	Simons,
Bretherick,	Hamilton,	McMillen,	Skale,
Brown,	Hare,	McSurdy,	Snyder,
Brunner, P. A.	Harkins,	Melchiorre,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burris,	Heatherington,	Monks,	Stank,
Cadwalader,	Heim,	Mooney,	Stine,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Moul,	Tate,
Cochran,	Hersch,	Muir,	Taylor,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, E. F.
Cohen, R. E.,	Holland,	Nagel,	Thompson, R. L.
Cordier,	Huntley,	Nunemacher	Trout,
Corrigan,	James,	O'Brien,	Turner,
Croop,	Jefferson,	O'Darc,	VanAllsburg,
Dalrymple,	Jones, P. N.,	O'Mullen,	Verona,
Dennison,	Keenan,	O'Neill,	Vincent,
DiGenova,	Kenehan,	Owens,	Vogt,
Dix,	Kilne,	Petrosky,	Voldow,
Dolon,	Knoble,	Pettit,	Voorhees,
D'Ortona,	Kolankiewicz,	Polaski,	Wagner,
Duffy,	Komorowski,	Polen,	Watkins,
Early,	Krise,	Powers,	Weiss,
Elder,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Rank,	Wilkinson,
Ely,	Leisey,	Readinger,	Williams,
Falkenstein,	Leonard,	Reagan,	Winner,
Finestone,	Lesko,	Reese, D. P.,	Wolf,
Finnerty,	Levy,	Reese, R. E.,	Wood, N.,
Fiss,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy.
Gallagher,	Marks,	Rosenfeld,	Speaker.
Gerard,	Maxwell,	Royer,	

NAYS—1

McClester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 831, as follows:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last re-enacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) are hereby re-enacted and further amended to read as follows

An Act to regulate and restrain the traffic in malt and brewed beverages and natural wines as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages and wines imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages or wines may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such malt or brewed beverages may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages or of malt or brewed beverages and natural wines except to importing distributors and distributors in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold [and in quantities of not less than two hundred eighty-eight fluid ounces]

(e) The term "importing distributor" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the resale of malt or brewed beverages or malt or brewed beverages and natural wines in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold [and in quantities of not less than two hundred eighty-eight fluid ounces]

(g) The term "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages and natural wines for consumption on the premises of such licensee with the privilege of selling

malt or brewed beverages in quantities not in excess of seventy-two fluid ounces and natural wines in quantities not in excess of one hundred twenty-eight fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(g) The term "original containers" means and includes bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer or winery at the place of manufacture or production with the name and address of the manufacturer or winery permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages or natural wines shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors the club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(m) The term "manufacture" shall mean and include all means methods and processes used employed and made uses of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests and a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or rooms

(o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages or natural wines for a consideration

(p) "Natural wines" shall mean any beverage obtained by the natural fermentation only of the sugar contents of fruits or other agricultural products containing sugar or by adding sugar and to which no alcohol or alcoholic product has been added by way of fortification and which contains one-half of one per centum or more of alcohol by volume

(q) "Special license" shall mean a license issued to a distributor or importing distributor authorizing him to sell natural wines

(r) "Winery" shall mean and include all persons holding licenses issued by the board to engage in the produc-

tion transportation and sale of natural wines and all persons engaged in the legal production of natural wines within the territorial limits of the United States outside the Commonwealth of Pennsylvania

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt or brewed beverages or natural wines unless such person holds a valid retail dispenser license issued under this act permitting such sale or a valid license issued under any other act authorizing the sale of spirituous and vinous liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another except as herein otherwise provided in the case of retail dispensers or as may be otherwise authorized by law any malt or brewed beverages or natural wines not for consumption upon the premises where sold unless such person holds a valid license issued under this act permitting such sale

Section 5 Manufacturers' Distributors' and Importing Distributors' licenses (a) It shall be unlawful for any person to manufacture or produce malt or brewed beverages or natural wines unless such person holds a valid manufacturer's license issued by the board The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages or natural wines and to transport sell and deliver malt or brewed beverages or natural wines at or from one or more places of manufacture or storage only in original containers in quantities

of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth Licenses for places of storage shall be limited to those maintained by manufacturers on July 18, 1935 and thereafter the board shall issue no licenses for places of storage in addition to those maintained on July 18 1935 The application for such license shall be in such form and contain such information as the board shall require All such licenses shall be granted for the calendar year Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary

(a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for

the purpose of making such inspections and making transcripts thereof

(b) The board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a distributor's or importing distributor's license for the place which such person desires to maintain for the sale of malt or brewed beverages or natural wines not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original containers as prepared for the market by the manufacturer at the place of manufacture. Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application. Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or natural wines or from manufacturers or importing distributors licensed under this act.

(c) The board shall issue to any person to whom it shall issue a distributor's or importing distributor's license and who applies therefor and pays the additional license fee hereinafter required a special distributor's license or a special importing distributor's license as the case may be for the place covered by the distributor's or importing distributor's license. Such special license shall authorize the holder thereof to sell or deliver natural wines not for consumption on the premises where sold anywhere within the Commonwealth of Pennsylvania which have been purchased from a licensed winery or from an importing distributor holding a special license under this act or from any Pennsylvania Liquor Store. Importing distributors may purchase natural wines only from the persons from whom distributors may purchase and in addition thereto from producers and persons outside this Commonwealth engaged in the legal sale of natural wines.

Section 6 [Malt or Brewed Beverages] Retail Dispensers Licenses (a) Subject to the restrictions hereinafter provided in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act the board shall in the case of a hotel or eating place grant and issue and in the case of a club may in its absolute discretion grant and issue to the applicant a retail dispensers license.

In the case of hotels and eating places licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States. In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania.

No retail dispensers license shall be granted in any municipality or township in which the electors shall as here-

inafter provided have voted against the licensing therein of places where malt or brewed beverages or malt or brewed beverages and natural wines may be sold for consumption on the premises where sold.

(b) In the case of any new license or the transfer of any license to a new location the board shall in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application therefor is filed at least thirty days before the effective date of the license. Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the application is filed with the board in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

Section 7 License Hearings Appeals from Refusal of Licenses The board may of its own motion and shall upon the written request of any applicant for license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application. Such hearing shall be before the board a member thereof or an examiner designated by the board. At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof. The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board. Such hearing shall be stenographically recorded. The examiner shall thereafter report to the board upon such hearing. The board shall thereupon grant or refuse the license renewal or transfer thereof. If the board shall refuse such license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application. In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. Any person aggrieved by the refusal of the board to issue renewal or transfer a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date of refusal. Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board. The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board. The court shall either sustain the refusal or the board or order an issuance of the license to the applicant. There shall be no further appeal. Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise.

Section 8 Public Service Licenses The board may issue public service malt and brewed beverage and natural wine licenses to a railroad pullman or steamship company permitting malt or brewed beverages and natural wines to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited. Such licenses shall only be granted to reputable persons and for fit places. The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on

any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated. The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee. Any person aggrieved by the decision of the board in refusing suspending or revoking any such license may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license.

Section 9 License Year Mercantile License Exemption

(a) Licenses issued under this act to distributors importing distributors and retail dispensers shall unless revoked in the manner provided in this act be valid for the license year which may be established by the board for the particular license district in which the license issues.

(b) Licenses issued under this act to manufacturers and public service companies shall unless revoked in the manner provided in this act be valid for the calendar year for which they are issued. Licenses to manufacturers and public service companies may be issued at any time during a calendar year.

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages or natural wines and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt or brewed beverages or natural wines from his gross income from all sources in making his returns for mercantile license tax purposes.

Section 10 Filing of Applications for Distributors' Importing Distributors' [and] Retail Dispensers' and Special Licenses

Every person intending to apply for a distributor's importing distributors' [or] retail dispensers' or special license as aforesaid in any municipality or township of this Commonwealth shall file with the board his or its application. All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act [The]. Except in the case of applications for special licenses the applicant shall at the time of filing the application and bond pay said board the filing fee of ten dollars as specified in this act.

Section 11 Application for Distributors' Importing Distributors' [and] Retail Dispensers' and Special Licenses

Application for distributors' importing distributors' and retail dispensers' licenses shall contain the following information and statements:

(a) The name and residence of the applicant and how long he has resided there and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application.

(b) The particular place for which the license is desired and a detailed description thereof.

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director all of whom shall be citizens of the United States if the application is for a distributor's importing distributor's license and the applicant therefor is a corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of all stockholders.

(d) Name of owner of premises and his residence.

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and

in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter permitted.

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted.

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof.

(h) A full description of that portion of the premises for which license is asked and if any other business is to be conducted concurrently with the sale and distribution of malt or brewed beverages or natural wines a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location and such additional information as the board may require.

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employees together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require. The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employees of the club rather than to the benefit of the entire membership of the club or if incorporated it was not incorporated in Pennsylvania.

Every application for a special distributor's or special importing distributor's license shall accompany the application for the distributor's or importing distributor's licenses in connection with which it is desired and shall refer to such other application without repeating the facts contained therein.

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt or brewed beverages or natural wines are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue.

The application must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury. A license shall not be granted by the board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe.

Section 12 Prohibitions Against the Grant of Licenses

(a) Any retail dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt or brewed beverages and natural wines but a separate license must be secured for each place where malt or brewed beverages and natural wines are sold.

(b) No person shall possess or be issued more than one distributor's importing distributor's license no person shall possess or be issued more than one class of license except that distributor's and special distributor's licenses and importing distributor's and special importing distributor's licenses may be possessed by and issued to the same person. No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted. No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages or natural wines.

except in the same municipality or township in which the licensed premises is located and unless the same has been approved by the board. In the event there is no place of cold storage in the same municipality or township the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipality or township. No distributor's importing distributor's or package retailer's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages and natural wines.

(c) Licenses shall be granted by the board only to reputable individuals or to associations, partnerships and corporations whose numbers or officers and directors are reputable individuals.

A retail dispenser license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident of the county wherein his place of business is or is to be located.

No special distributor's or special importing distributor's license shall be granted to any person unless a distributor's license or importing distributor's license is also issued to him.

No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any manufacturer's importing distributor's distributor's or retail dispenser's license nor shall such a person have any interest directly or indirectly in any such license.

Section 13 Revocation and Suspension of Licenses Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol [or] malt or brewed beverages or natural wines or of any regulations of the board adopted pursuant to such laws or any intentional violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor [or] malt or brewed beverages or natural wines by any licensee his officers servants agents or employees or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked. Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises. When a license is revoked the licensee's bond may be forfeited by the board. Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor [or] malt or brewed beverages or natural wines until the expiration of three years from the date such license was revoked. In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year. In all such cases the board shall file a record at least a brief statement in the form of an opinion of the reasons for the ruling or order. In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to

grant licenses. In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension. In the case of a manufacturer the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension in the case of an importing distributor thirty dollars (\$30) and if also the holder of a special license then forty dollars (\$40) for each day of suspension and a distributor twenty dollars (\$20) and if also the holder of a special license then twenty-five dollars (\$25) for each day of suspension and in the case of a retail dispenser or transporter for hire ten dollars (\$10) for each day of suspension. No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days.

Section 14 Licenses Not Assignable Transfers. (a) Licenses issued under this act may not be assigned. The board upon payment of the transfer filing fee and the execution of a new bond is hereby authorized to transfer any license issued by it from one person to another or from one place to another or both within the same municipality or township as the board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked. Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at time fixed by the board. In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representative or to a person designated by him. From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions of the county in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses.

(b) In the event that any person to whom a license shall have been issued under the provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted. Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license. In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted.

Section 15 Applications for Transfers Fee. Every applicant for a transfer of a license shall file a written application together with a filing fee of ten dollars with the board in such form as the board shall prescribe and at such time as the board shall fix and shall also file a bond as required on original applications for licenses.

Whenever any license is transferred no license or other fees shall be required from the persons to whom such transfer is made for the balance of the then current license year except the filing fee of ten dollars (\$10).

Section 16 Renewal of Licenses. All applications for renewal of licenses shall be filed at least sixty days before the expiration of same and not thereafter as provided in board regulations. Unless the applicant shall have been formally notified by the board of objections to

the renewal of his license based upon violation by the licensee or his servants agents or employees of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol [or] malt or brewed beverages or natural wines or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act

[(c)] In case where a licensee or his servants agents or employees are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol [or] malt or brewed beverages or natural wines and where the board has on file in such cases reports of its enforcement officers or investigators or from other source that a licensee or his servants agents or employees have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may in its discretion renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses if and when the licensee or any of his servants agents or employees are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no licensee shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor importing distributor or retail dispenser or to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed Bonds of all applicants shall have as surety a surety company authorized to do business in this Commonwealth or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond and when securities have been deposited with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State

Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond Such bonds shall not be accepted until approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcohol alcoholic liquors [and] malt or brewed beverages and natural wines and the regulations of the board All bonds shall be filed with and retained by the board The penal sum of bonds filed by the manufacturer shall be ten thousand (\$10,000) dollars for each place at which the licensee is authorized to manufacture The penal sum of bonds filed by distributors shall be one thousand (\$1,000) dollars and for importing distributors two thousand (\$2,000) dollars No additional bond shall be required for special distributor's licenses or special importing distributor's licenses The penal sum of bonds filed by all other licensees shall be one thousand (\$1,000) dollars for each place at which the licensee is authorized to sell malt or brewed beverages and natural wines except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand (\$1,000) dollars irrespective of the number of licensed cars or ships operated by such companies Every such bond may be forfeited when a license is revoked and shall be turned over to the Attorney General for collection if and when the licensee's license shall have been revoked and his bond forfeited as herein provided

Section 19 License Fees Distribution of Revenues No license shall be issued to any manufacturer distributor importing distributor or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee as follows

(a) In the case of a manufacturer the license fee shall be one thousand (\$1,000) dollars for each place of manufacture and shall be paid to the board The fee for all such licenses when applied for and issued on or after April 1 but prior to July 1 shall be three-fourths of the annual fee July 1 but prior to October 1 shall be one-half of the annual fee October 1 but prior to January 1 shall be one-quarter of the annual fee

(b) In the case of a distributor the license fee shall be four hundred (\$400) dollars and if a special distributor's license is also granted then the license fee shall be four hundred fifty (\$450) dollars and shall be paid to the board

(c) In the case of an importing distributor the license fee shall be nine hundred dollars (\$900) and if a special importing distributor's license is also granted then the license fee shall be one thousand (\$1,000) dollars and shall be paid to the board

(d) In the case of a retail dispensers except clubs the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located and shall be paid to the board as follows

(1) Less than 10,000	\$100
(2) 10,000 and more but less than 50,000	150
(3) 50,000 and more but less than 100,000	\$200
(4) 100,000 and more but less than 150,000	250
(5) 150,000 and more	300

(e) In the case of a club the fee shall be twenty-five dollars in all cases and shall be paid to the board

(f) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board

(g) In the case of a public service license for the sale of malt or brewed beverages and natural wines on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board

(h) The fee for filing applications for licenses and for renewals (except special licenses and renewals for

which there shall be no filing fee) shall be ten dollars which together with fees for transfers shall be paid to the board

(i) The license fees fixed by this section shall be paid before the license or renewal is issued

(j) The license fees for manufacturers distributors importing distributors and public service licenses special licenses and all filing fees for such licenses and all permit fees forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be transmitted to the State Treasurer by the board and shall be paid into the State Stores Fund Fees paid for retail dispensers licenses shall be paid in the State Treasury through the Department of Revenue into the special fund known as the "Liquor License Fund" The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licenses in such municipalities and townships during the preceding period

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and townships the board shall have the authority to deduct from the next semiannual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or resell any malt or brewed beverages or natural wines except in the original containers as prepared for the market by the manufacturer or winery at the place of manufacture or production No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces Provided That no malt or brewed beverages or natural wines sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor

Section 22 Sales by Retail Dispensers (a) No retail dispenser shall purchase or receive any malt or brewed beverages or natural wines except in original containers as prepared for the market by the manufacturer or winery at the place of manufacture or production The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities on excess of seventy-two fluid ounces nor any natural wines in quantities in excess of one hundred twenty-eight fluid ounces And provided further That no club licensee may sell any malt or brewed beverages or natural wines for consumption off the premises where sold or to persons not members of the club

No retail dispenser shall sell any malt or brewed beverages or natural wines for consumption on the licensed premises except in a room or rooms or place on

the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages or natural wines in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same

(b) The board may with the approval of the Governor temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor

Section 23 Unlawful Acts It shall be unlawful

(I) For any manufacturer importing distributor or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages or natural wines between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday

(II) For any hotel or eating place holding a retail dispenser's license or public service licensee or the servants agents or employees of such licensees to sell trade or barter in malt or brewed beverages or natural wines between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day

(III) For any licensee or his servants agents or employees to sell furnish or give any malt or brewed beverages or natural wines to any person visibly intoxicated or to any insane persons or to any minor or to habitual drunkards or persons of known intemperate habits

(IV) For any hotel or eating place holding a retail dispenser's license or public service licensee or his servants agents or employees to sell furnish or give any malt or brewed beverages or natural wines to any person after two o'clock antemeridian or until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(V) For any licensee or his servants agents or employees to sell or offer to sell or purchase or receive any malt or brewed beverages or natural wines except for cash excepting credit extended by a hotel or club to bona fide registered guests or members No right of action shall exist to collect any claims for credits extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on such containers when title is retained by the vendor if such containers have been returned to the manufacturer distributor importing distributor or other vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages or natural wines sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the malt or brewed beverages or natural wines so sold are actually transported and delivered to points outside of the Commonwealth Provided however That as to all transactions affecting malt or brewed beverages or natural wines to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

(VI) For any licensee or his servants agents or employees to sell offer to sell or furnish any malt or brewed beverages or natural wines to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(VII) For any manufacturer importing distributor or distributor his servants agents or employees to hereafter give furnish lease or sell or for any licensee or his servants agents or employees except a manufacturer on his

own premises to hereafter lease purchase or receive for display or to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages or natural wines unless the actual value of such advertisement shall be not more than twenty-five dollars (\$25) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain anything except the trade name trade-mark or place of manufacture or production of the malt or brewed beverage or natural wine manufactured or sold by him

(VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any other licensee or his servants agents or employes to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or natural wine or the manufacturer producer or place of manufacture or production of any malt or brewed beverage or natural wine unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars (\$10) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

(IX) For any licensee or his servants agents or employes to advertise or hold out for sale any malt or brewed beverage or natural wine by trade name or other designation which would indicate the manufacture winery or place of production of the said malt or brewed beverage or natural wine unless he shall actually have on hand and for sale a sufficient quantity of the particular malt or brewed beverage or natural wine so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(X) For any retail dispenser or his servants agents or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(XI) For any licensee or his servants agents or employes to transport sell deliver or purchase any malt or brewed beverage or natural wine upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or natural wine or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverages was produced This clause shall not be construed to prohibit a manufacturer or winery from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages or natural wines intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage or natural wine must be stated upon the package

(XII) For any licensee his servants agents or employes except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a [special] permit to provide such entertainment or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such [special] permits and to require a fee for permits equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this

clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his license

(XIII) For any distributor or importing distributor or his servants agents or employes without the approval of the board and then only in accordance with board regulations to engage in any other business whatsoever except the business of distributing malt or brewed beverages and natural wines

(XIV) For any distributor importing distributor or retail dispenser or his servants agents or employes to have in his possession or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages and except natural wines in cases where the sale of natural wines is authorized under the provisions of this act

(XV) For any licensee or his servants agents or employes except a manufacturer to manufacture import sell transport store trade or barter in any spirituous vinous or other alcoholic liquors or alcohol except malt or brewed beverages and except natural wines in cases where the sale of natural wines is authorized under the provisions of this act

(XVI) For any licensee or his servants agents or employes to issue publish or post or cause to be issued published or posted any advertisement of malt or brewed beverages or natural wines including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages or natural wines manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage or natural wine on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage or natural wine advertised or labeled contrary to the provisions of this clause

(XVII) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages or natural wines from the donor of such gift or to influence such employer or principals to refrain from dealing or contracting to deal with other licensees

(XVIII) For any licensee or his servants agents or employes to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties or nominal value which the board shall define

(XIX) For any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages natural wine or any other commodity manufactured or sold by the licensee

(XX) For any importing distributor distributor retail dispenser or his servants agents or employes to fail to keep on the licensed premises for a period of at least two years such complete and truthful records as the board may prescribe covering the operation of his licensed business and particularly showing the date of all purchases of malt or brewed beverages and natural wines the actual price paid therefor and the name of the vendor or for any licensee his servants agents or employes to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(XXI) For any licensee or his servants agents or employees to refuse the board or any of its authorized employees the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(XXII) For any retail dispenser or his servants agents or employees to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(XXIII) For any person to hawk or peddle malt or brewed beverages or natural wines

(XXIV) For any licensee or his servants agents or employees to be directly or indirectly employed by any person engaged in the manufacture storage transportation or sale of spirituous or vinous liquors alcohol or malt or brewed beverages

(XXV) For any licensee or his servants agents or employees to knowingly sell any malt or brewed beverages or natural wines to any person engaged in the business of illegally selling liquor natural wines or malt or brewed beverages

(XXVI) For any person to transport within or import any malt or brewed beverages or natural wines into this Commonwealth except in accordance with the rules and regulations of the board or for any person to transport malt or brewed beverages or natural wines into or within this Commonwealth unless there shall be affixed to the original container in which such malt or brewed beverages or natural wines are transported stamps or crowns evidencing the payment of the malt liquor tax or wine tax to the Commonwealth Provided however That this clause shall not be construed to prohibit transportation of malt or brewed beverages or natural wines through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board

(XXVII) For any manufacturer importing distributor or distributor or his servants agents or employees except with board approval to deliver or transport any malt or brewed beverages or natural wines in any vehicle in which any other commodity is being transported except that malt or brewed beverages and natural wines may be transported in the same vehicle by importing distributors and distributors who hold special licenses

(XXVIII) For any importing distributor distributor or retail dispenser or the servants agents or employees of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell malt or brewed beverages or natural wines except in the interior of the licensed premises where the display cannot be seen from the outside the price at which malt or brewed beverages or natural wines will be sold by him

(XXIX) For any retail dispenser to employ any minor or to permit any minor to render any service whatsoever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

(XXX) For any licensee his servants agents or employees to cash pay roll checks except in accordance with board regulations

(XXXI) For any retail dispenser his servants agents or employees to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

(XXXII) For any licensee his servants agents or employees to give furnish trade barter serve or deliver any malt or brewed beverages or natural wines to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed beverages and natural wines

(XXXIII) For any club retail dispenser or its servants agents or employees to sell malt or brewed beverages or natural wines between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

(XXXIV) For any importing distributor or distributor

engaged in the sale of products other than malt or brewed beverages and natural wines to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages and natural wines as the board shall by regulation require

(XXXV) For any licensee or any officer director stockholder servant agent or employee of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to importing distributors distributors or retail dispensers licensed under this act or to hotel restaurant or club licensees licensed under any other act of this Commonwealth relating to liquor natural wines or malt or brewed beverages Provided however That the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first one thousand nine hundred and thirty-seven and the board shall approve

Section 24 Things of Value Not to Be Offered It shall be unlawful for any person licensed to sell malt or brewed beverages or natural wines or his servants agents or employees to offer or give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt or brewed beverages or natural wines or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of such malt or brewed beverages or natural wines or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages or natural wines Provided however That this section shall not apply to the return of any moneys specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate [Malt or Brewed Beverages] It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt or brewed beverages or natural wines from that as originally marketed by the manufacturer or winery at the place of manufacture or production

Section 26 Transportation in Original Packages It shall be unlawful for any person to transport any malt or brewed beverages or natural wines except in the original containers It shall be unlawful for any person to transport for another any malt or brewed beverages or natural wines within this Commonwealth unless such person shall hold a permit issued by the board and shall have paid to the board such permit fee not exceeding one hundred dollars and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board any other law to the contrary notwithstanding

Section 27 Delivery Vehicles to Bear Name and Address of Licensee It shall be unlawful for a licensee to deliver or transport any malt or brewed beverages or natural wines excepting in vehicles bearing the name and address and license number of such licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor importing distributor or retail dispenser or an officer director or stockholder or creditor of any distributor importing distributor or retail dispenser nor except as hereinafter provided be the owner proprietor or lessor of any place for which a license has been issued for any importing distributor distributor or retail dispenser under this act or for which a hotel restaurant or club liquor license has been issued under any other act of this Commonwealth

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer a retail dispenser or a liquor licensee or be an officer director stockholder or creditor of a manufacturer a retail dispenser or a liquor licensee or directly or indirectly own any stock of or have any financial interest in or be the owner proprietor or lessor of any place covered by any other malt or brewed beverage or liquor license

(c) No licensee licensed under this act and no officer or director of such licensee shall directly or indirectly own any stock of or have any financial interest in any other class of business licensed under this act.

(d) Excepting as hereinafter provided no manufacturer importing distributor or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage against the same for which a liquor or retail dispenser's license is granted nor shall a manufacturer importing distributor or distributor either directly or indirectly lend any moneys credit or equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any liquor licensee or retail dispenser in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business operated under a liquor or retail dispenser's license excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages or natural wines were packaged for market by the manufacturer or winery at the place of manufacture or production.

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a distributor's or importing distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to or guarantee the payment of any bond mortgage note or other obligation of any distributor or importing distributor in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business where malt or brewed beverages or natural wines are licensed for sale by a distributor or importing distributor excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages or natural wines were originally packaged for the market by the manufacturer or winery at the place of manufacture or production.

(f) No distributor importing distributor or retail dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributor's importing distributor's or retail dispenser's license excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages or natural wines were packaged for the market by the manufacturer or winery at the place of manufacture or production.

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section. But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935.

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth.

Section 29 Malt or Brewed Beverages and Natural Wines Manufactured or Produced Outside This Commonwealth. In addition to compliance with all other provisions of this act the board shall require each person desiring to sell any malt or brewed beverages or natural wines manufactured or produced outside this Commonwealth to Pennsylvania licensees and shall require each Pennsylvania licensee who desires to purchase and resell any

such malt or brewed beverages or natural wines to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state territory or country outside of Pennsylvania who desire to sell malt or brewed beverages or natural wines manufactured or produced in Pennsylvania to licensees in such other state territory or country of origin of such malt or brewed beverages or natural wines not manufactured or produced in Pennsylvania and to observe and comply with the same regulations prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages or natural wines manufactured or produced in Pennsylvania in such other state territory or country of origin. In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages or natural wines manufactured or produced in any state territory or country other than Pennsylvania no Pennsylvania licensee shall purchase any such malt or brewed beverages or natural wines if their importation has been prohibited or if not entirely prohibited unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase. Any malt or brewed beverages or natural wines manufactured or produced outside of Pennsylvania which are sold transported or possessed in Pennsylvania contrary to any such regulations or orders of the board or without the payment of the fees herein required shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor natural wines or malt or brewed beverages.

Upon learning of the commission by a manufacturer of malt or brewed beverages or a winery whose principal place of business is outside this Commonwealth or by any servant agent employee or representative of such manufacturer or winery within or partly within and partly outside this Commonwealth of any violation of this act or any laws of this Commonwealth relating to liquor alcohol natural wines or malt or brewed beverages or of any regulation of the board adopted pursuant thereto or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor natural wines or malt or brewed beverages the board shall cite such manufacturer or winery to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer or winery at his principal place of business wherever located by registered mail a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages or natural wines manufactured or produced by him should not be prohibited. Upon such hearing whether or not an appearance was made by such outside manufacturer or winery if satisfied that any such violation has occurred the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages or natural wines manufactured or produced by such manufacturer or winery into this Commonwealth for a period of not less than six months nor more than three years. Notice of such board action shall be given immediately to such manufacturer or winery and to all persons licensed to import malt or brewed beverages or natural wines within this Commonwealth by mailing a copy of such order to such manufacturer or winery at its principal place of business wherever located and to such licensees at their licensed premises. Hereafter it shall be unlawful for any person licensed to import malt or brewed beverage or natural wines within this Commonwealth to purchase or sell any malt or brewed beverages or natural wines manufactured or produced by such outside manufacturer or winery during the term of such prohibition. Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages or natural wines. In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order. Any outside manufacturer

aggrieved by the action of the board may appeal to the quarter sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses

Section 30 Penalty (a) Any person copartnership association or corporation or any officer director servant employe or agent of any copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Upon proof being made that any licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the board or any of the laws of the Commonwealth relating to liquor alcohol natural wines or malt or brewed beverages or the payment of tax thereon or the laws of the United States of America relating to the payment of tax on liquor alcohol natural wines or malt or brewed beverages the board may in its discretion revoke or suspend any license issued under this act to any such licensee. The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section 31 Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages or natural wines are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages wines and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General or by the district attorney of the proper county. Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs. If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings. If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages wines or other things used in connection with the violation of this act constituting such nuisance. No bond shall be required in instituting such proceedings. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no malt or brewed beverage or natural wine shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof. Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars (\$500.00) payable to the Commonwealth of Pennsylvania

for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages or natural wines will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act. Provided however Where an election was therefore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election. Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverage and natural wine retail dispenser licenses for consumption on premises where sold in the of	Yes	
	No	

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage and natural wine retail dispenser licenses shall be granted by the board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the board shall thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P. L. 252) and its amendments voted prior to the adoption of this amendment against the granting of retail dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 33 Constitutionality The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 34 [All licensees heretofore granted by county treasurers for the license year ending May thirty-first one thousand nine hundred and thirty-seven and in force when this act becomes effective and all licenses and amusement permits granted by the board shall remain in full force and effect (unless sooner revoked) until the end of the license year for which issued and no additional license or permit fees shall be required to be paid by such licensees for such license year. In the event that any county treasurer shall have received under the provisions of the act hereby re-enacted and amended from any person an application for the issuance or the renewal of a retail dispenser license together with a filing fee and/or a license fee for such license which has become effective

for the license year beginning June first one thousand nine hundred and thirty-seven such license or renewal thereof issued by a county treasurer shall confer upon any person the right to sell malt or brewed beverages for the license year for which issued in the same manner and subject to the terms and conditions of this act as of issued under this act by the board. The board upon application to it shall have the power to grant a retail dispenser license notwithstanding the fact that an application therefor had previously been made to a county treasurer and either had been refused or not acted upon by said county treasurer. The board shall have the right to authorize applicants for retail dispenser licenses whose licenses expire on May thirty-first one thousand nine hundred thirty-seven to continue the sale of malt and brewed beverages by issuing temporary permits pending investigation by the board to determine the propriety of issuing a renewal license. First Licenses Under Act. The first licenses and amusement permits issued by the board under the provisions of this act shall be issued for license years or fractions thereof according to the license districts in which issued and applications for all such licenses and permits shall be filed at such time as may be specified by the board. The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts and in such cases the fees for such licenses and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective.

Special licenses shall be granted by the board to all distributors and importing distributors who apply therefor within sixty days after the effective date of this act and pay the proper fee therefor. Licenses so issued shall expire at the end of the current license year of the distributor or importing distributor to whom it is issued. The fees for such special licenses shall be one-twelfth of that fixed by this act multiplied by the number of months the first special license shall be effective.

Any distributor or importing distributor to whom a special license has been granted and any retail dispenser may purchase from any Pennsylvania Liquor Store natural wines in stock on the effective date of this act and sell the same subject to the provisions of the act to which this is an amendment.

Section 35 General Power to Make Regulations. The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act. The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable. Such regulations adopted by the board shall have the same force as if they formed a part of this act.

Wherever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing.

Section 2 This act and the amendments thereto shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—182

Achterman,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,

Balthaser,	Goodwin,	McDermott,	Sarrafi,
Bentley,	Greenwood,	McDowell,	Scanlon,
Bentzel,	Gryskewicz,	McFall,	Schwab,
Boles,	Gyger,	McGrath,	Serrill,
Boney,	Habbyshaw,	McIntosh,	Shaffer,
Bower,	Haberlen,	McKinney,	Shaw,
Bradley,	Haines,	McLanahan,	Shepard,
Bretherick,	Hall,	McLane,	Simons,
Brown,	Hamilton,	McMillen,	Skale,
Brunner, P. A.	Hare,	McSurdy,	Snyder,
Burns,	Harkins,	Melchiorre,	Sorg,
Burtis,	Harmuth,	Modell,	Stambaugh,
Cadwalader,	Heatherington,	Monks,	Stank,
Chervenak,	Helm,	Mooney,	Stine,
Chudoff,	Hering,	Moran,	Tarr,
Cochran,	Ferman,	Moul,	Tate,
Cohen, M. M.	Hersch,	Mulr,	Taylor,
Cohen, R. E.	Hewitt,	Munley,	Thompson, E. F.,
Cordier,	Holland,	Nagel,	Thompson, R. L.,
Corrigan,	Huntley,	Nunemacher,	Trout,
Croop,	James,	O'Brien,	Turner,
Dalrymple,	Jefferson,	O'Dare,	Van Allsburg,
Dennison,	Jones, P. N.,	O'Mullen,	Verona,
DiGenova,	Keenan,	O'Neill,	Vincent,
Dix,	Kenehan,	Owens,	Vogt,
Dolon,	Kline,	Petrosky,	Voldow,
D'Ortona,	Knoble,	Pettit,	Voorhees,
Duffy,	Kolankiewicz,	Polaski,	Wagner,
Early,	Komorowski,	Polen,	Watkins,
Elder,	Krise,	Powers,	Weise,
Elliot,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Ely,	Lee, T. H.,	Rank,	Wilkinson,
Falkenstein,	Leisey,	Readinger,	Williams,
Finestone,	Leonard,	Reagan,	Winnier,
Finnerty,	Lesko,	Reese, D. P.,	Wolf,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fletcher,	Leydic,	Regan,	Woodring,
Flynn,	Lichtenwaster,	Reynolds,	Woodside,
Foor,	Longo,	Rhea,	Yester,
Frunch,	Lyons,	Riley,	Young,
Gallagher,	Malloy,	Rooney,	Kilroy,
	Marks,	Rosenfeld,	Speaker.

NAYS—1

McClester,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1597, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Lebanon.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Lebanon by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement.

Beginning at a point on Route 38048 about 0.5 of a mile west of its intersection with Route 38062 thence in a general northerly direction through Union Township to a

point on Route 38003 in Lebanon County a distance of about 1.1 miles

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman.	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Falthaser,	Goodwin,	McClester,	Rush,
Bentley,	Greenwood,	McDermott,	Sarraff,
Bentzel,	Gryskewicz,	McDowell,	Scanlon,
Boles,	Gyger,	McFall,	Schwab,
Boney,	Habbyschaw,	McGrath,	Serrill,
Bower,	Haberlen,	McIntosh,	Shaffer,
Bradlev,	Haines,	McKinney,	Shaw,
Bretherick,	Hall,	McLanahan,	Shepard,
Brown,	Hamilton,	McLane,	Simons,
Brunner, C. H.,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Meichlorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. P.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettitt,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Eider,	Lee, E. A.,	Powers,	Wels,
Elliott,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winnor,
Finnerty,	Levy,	Reese, David P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1437, Printer's No. 668, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1423, as follows:

An Act to further amend section eleven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administra-

tion thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by extending the service allowance of certain employees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the use and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by section one of the act approved the twenty-third day of April one thousand nine hundred and twenty-nine (P. L. 638) is hereby further amended to read as follows

Section 11 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each contributor by the retirement board for each school year of service as an employee as defined in section one paragraph seven of this act and for each school year for which credit is not otherwise provided for in this act and during which the contributor was a member of the American Expeditionary Force in the World War or in activities connected therewith approved by the retirement board or who were either enlisted or drafted into the Army Navy Marine Corps or the Enlisted Nurses' Corps of the United States and for each school year during which the contributor was prior to the eighteenth day of July one thousand nine hundred and seventeen a teacher instructor or supervisor in any state or semi-state orphan school institution for mental defectives or correctional institution Under such rules and regulations as the retirement board shall adopt each employee shall file with the retirement board a detailed statement of all such service rendered by him or her As soon as practicable thereafter the retirement board shall verify such statement as to prior service and shall issue to each employee a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modified (a) by the retirement board upon application by employee or (b) by the State Superintendent of Public Instruction upon application by the employee or by the retirement board provided such application for modification be made to said State Superintendent of Public Instruction within one year after the issuance of a certificate or a modified certificate by the retirement board A certificate for prior service issued to a present employee shall certify the total number of completed years of prior service allowances for said present employee to and including the thirtieth day of June nineteen hundred nineteen The time during which an employee is absent without pay shall not be counted in computing the prior service the total service or the average salary of a contributor unless allowed by the employer by whom said contributor was employed at the time said leave of absence was granted and further unless said allowance is approved by the retirement board

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester	Rush,
Balthaser,	Greenwood,	McDermott,	Saraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Alisburg,
Dennison,	Keenan,	O'Mullen,	Verona,
Dix,	Kenahan,	O'Neill,	Vincent,
Dolon,	Kline,	Owens,	Vogt,
D'Ortona,	Knoble,	Petrosky,	Voldow,
Draty,	Kolankiewicz,	Pettit,	Voorhees,
Early,	Komorowski,	Polaski,	Wagner,
Elder,	Krise,	Polen,	Watkins,
Elliott,	Lee, E. A.,	Powers,	Weiss,
Ely,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Falkenstein,	Leisey,	Rank,	Wilkinson,
Finestone,	Leonard,	Readinger,	Williams,
Finnerty,	Lesko,	Reagan,	Winner,
Fiss,	Levy,	Reese, D. P.,	Wolf,
Fletcher,	Leydic,	Reese, R. E.,	Wood, N.,
Flynn,	Lichtenwalter,	Regan,	Woodside,
Foor,	Longo,	Reynolds,	Woodring,
French,	Lyons,	Riley,	Yester,
Gallagher,	Malloy,	Riley,	Young,
Gerard,	Marks,	Rooney,	Kilroy,
	Maxwell,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection, House Bill No. 94, Printer's No. 676, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1470, as follows:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Superintendent of Public Instruction shall have power to investigate the need for and to establish supervise and conduct practical arts and vocational agriculture home economics and industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and occupational adjustment of out-of-school unadjusted persons over sixteen years of age who have left school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or reenter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and coordinators to conduct such special schools classes and adjustment offices in an effective manner and to pay from the appropriation made by this act and from other available state funds appropriated to aid school districts in the establishment and maintenance of such schools departments or classes and from Federal funds provided for the development and further development of vocational education and for the salaries of said teachers supervisors and coordinators

Section 2 No practical arts or vocational agriculture homemaking industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational agriculture home economics industrial or commercial school or class established by a school district under the provisions of the act approved the first day of May one thousand nine hundred and thirteen (P. L. 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement 'hereof by the State' and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments"

Section 3 If during the first fiscal year any appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts allocated to them on the basis of the need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from state funds

Section 4 The sum of seventy-five thousand dollars (\$75,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and coordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred forty-one and shall remain in force until May thirty-first one thousand nine hundred forty-three

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, E. F.,
Cordier,	Holland,	Nagel,	Thompson, R. L.,
Corrigan,	Huntley,	Nunemacher,	Trout,
Croop,	James,	O'Brien,	Turner,
Dalrymple,	Jefferson,	O'Dare,	Van Allsburg,
Dennison,	Jones, P. N.,	O'Mullen,	Verona,
DiGenova,	Keenan,	O'Neill,	Vincent,
Dix,	Kenehan,	Owens,	Vogt,
Dolon,	Kline,	Petrosky,	Voldow,
D'Ortona,	Knoble,	Pettit,	Voorhees,
Duffy,	Kolankiewicz,	Polaski,	Wagner,
Early,	Komorowski,	Polen,	Watkins,
Elder,	Krise,	Powers,	Weiss,
Elliot,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Ely,	Lee, T. H.,	Rank,	Wilkinson,
Falkenstein,	Leisey,	Readinger,	Williams,
Finestone,	Leonard,	Reagan,	Winner,
Finnerty,	Lesko,	Reese, D. P.,	Wolf,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fletcher,	Leydic,	Regan,	Woodring,
Flynn,	Lichtenwalter,	Reynolds,	Woodside,
Foor,	Longo,	Rhea,	Yester,
French,	Lyons,	Riley,	Young,
Gallagher,	Malloy,	Rooney,	Kilroy,
Gerard,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1331, as follows:

An Act making an appropriation from the Manufacturing Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of seven thousand three hundred fifty dollars (\$7,350) or as much thereof as may be necessary is hereby specifically appropriated out of the Manufacturing Fund to the State Employees' Retirement Board for the two fiscal years commencing the first day of June one thousand nine hundred forty-one for payment from time to time into the State Employees' Retirement Fund to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund

Section 2 Of the sum appropriated by this act there shall be paid into the State Employees' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum of three thousand one hundred fifty

dollars (\$3,150) and to the credit of the Contingent Reserve Account the sum of four thousand two hundred dollars (\$4,200)

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Hirsch,	Munley,	Thompson, E. F.,
Cordier,	Holland,	Nagel,	Thompson, R. L.,
Corrigan,	Huntley,	Nunemacher,	Trout,
Croop,	James,	O'Brien,	Turner,
Dalrymple,	Jefferson,	O'Dare,	Van Allsburg,
Dennison,	Jones, P. N.,	O'Mullen,	Verona,
DiGenova,	Keenan,	O'Neill,	Vincent,
Dix,	Kenehan,	Owens,	Vogt,
Dolon,	Kline,	Petrosky,	Voldow,
D'Ortona,	Knoble,	Pettit,	Voorhees,
Duffy,	Kolankiewicz,	Polaski,	Wagner,
Early,	Komorowski,	Polen,	Watkins,
Elder,	Krise,	Powers,	Weiss,
Elliot,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Ely,	Lee, T. H.,	Rank,	Wilkinson,
Falkenstein,	Leisey,	Readinger,	Williams,
Finestone,	Leonard,	Reagan,	Winner,
Finnerty,	Lesko,	Reese, D. P.,	Wolf,
Fiss,	Levy,	Reese, R. E.,	Wood, N.,
Fletcher,	Leydic,	Regan,	Woodring,
Flynn,	Lichtenwalter,	Reynolds,	Woodside,
Foor,	Longo,	Rhea,	Yester,
French,	Lyons,	Riley,	Young,
Gallagher,	Malloy,	Rooney,	Kilroy,
Gerard,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 472, as follows:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of twenty thousand dollars (\$20,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the use of the Land Grant College of Pennsylvania engaged by the department for the purpose of advancing research in human nutrition for children so as to continue

the work now in progress in certain areas and in order that this research work may be extended into other areas The Department of Health shall commission this research to said Lan Grant College and remain in an advisory capacity so as to benefit and be directed in its work by such findings as may ensue The moneys so appropriated shall be advanced to the Land Grant College of Pennsylvania at such time or times and in such amount or amounts as the college shall request

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Balthaser,	Goodwin,	McClester,	Rush,
Bentley,	Greenwood,	McDermott,	Sarra,
Bentzel,	Gryskewicz,	McDowell,	Scanlon,
Boles,	Gyger,	McFall,	Schwab,
Boney,	Habbyshaw,	McGrath,	Serrill,
Bower,	Haberlen,	McIntosh,	Shaffer,
Bradley,	Haines,	McKinney,	Shaw,
Bretherick,	Hall,	McLanahan,	Shepard,
Brown,	Hamilton,	McLane,	Simons,
Brunner, C. H.,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Mihn,	Stambaugh,
Cadwalader,	Helm,	Modell,	Stank,
Chervenak,	Hering,	Monks,	Stine,
Chudoff,	Herman,	Mooney,	Tarr,
Cochran,	Hersch,	Moran,	Tate,
Cohen, M. M.,	Hewitt,	Moul,	Taylor,
Cohen, R. E.,	Hirsch,	Muir,	Thompson, E. F.,
Cordier,	Holland,	Munley,	Thompson, R. L.,
Corrigan,	Huntley,	Nagel,	Trout,
Croop,	James,	Nunemacher,	Turner,
Dairymple,	Jefferson,	O'Brien,	Van Allsburg,
Dennison,	Jones, P. N.,	O'Dare,	Verona,
DiGenova,	Keenan,	O'Mullen,	Vincent,
Dix,	Kenehan,	O'Neill,	Vogt,
Dolon,	Kline,	Owens,	Voldow,
D'Ortona,	Knoble,	Petrosky,	Voorhees,
Duffy,	Kolankiewicz,	Pettit,	Wagner,
Early,	Komorowski,	Polaski,	Watkins,
Elder,	Krise,	Polen,	Weiss,
Elliot,	Lee, E. A.,	Powers,	Welsh, E. B.,
Ely,	Lee, T. H.,	Prosen,	Wilkinson,
Falkenstein,	Lelsey,	Rank,	Williams,
Finestone,	Leonard,	Readinger,	Winner,
Finnerty,	Lesko,	Regan,	Wolf,
Fiss,	Levy,	Reese, D. P.,	Wood, N.,
Fletcher,	Leydic,	Reese, R. E.,	Woodring,
Flynn,	Lichtenwauer,	Reagan,	Woodside,
Foor,	Longo,	Reynolds,	Yeakel,
French,	Lyons,	Rhea,	Yester,
Gallagher,	Malloy,	Riley,	Young,
	Marks,	Rooney,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 786, Printer's No. 685, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1380, as follows:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause five of Section seven of the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by Section two of the Act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 698) is hereby further amended to read as follows

Five Each employer shall cause to be deducted on each and every payroll of a contributor for each and every payroll period subsequent to June thirtieth nineteen hundred thirty-five such per centum as shall be certified to said employer by the retirement board as proper in accordance with the provisions of this act The percentage so deducted shall be computed at the option of the contributor either (1) on the total amount of salary earnable by the contributor in the payroll period for which the deductions are made or (2) in the case of contributors who were employed during the year which began July first one thousand nine hundred and thirty-two and ended June thirtieth one thousand nine hundred and thirty-three [if such contributors so elect] on the total amount of salary which was earnable by such contributor during such year [Each contributor shall notify] Every contributor who has heretofore elected to contribute under (1) or (2) of this clause may change his or her election by notifying in writing his employer on or before September first one thousand nine hundred and [thirty-five] forty-two upon which salary he or she elects to contribute

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	McClanaghan,	Royer,
Baker,	Gillan,	McClester,	Rush,
Balthaser,	Goodwin,	McDermott,	Sarra,
Bentley,	Greenwood,	McDowell,	Scanlon,
Bentzel,	Gryskewicz,	McFall,	Schwab,
Boles,	Gyger,	McGrath,	Serrill,
Boney,	Habbyshaw,	McIntosh,	Shaffer,
Boorse,	Haberlen,	McKinney,	Shaw,
Bower,	Haines,	McLanahan,	Shepard,
Bradley,	Hall,	McLane,	Simons,
Bretherick,	Hamilton,	McMillen,	Skale,
Brown,	Hare,	McSurdy,	Snyder,
Brunner, P. A.,	Harkins,	Melchiorre,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burris,	Heatherington,	Monks,	Stank,
Cadwalader,	Helm,	Mooney,	Stine,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Moul,	Tate,
Cochran,	Hersch,	Muir,	Taylor,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Nagel,	Thompson, R. L.,
Cordier,	Huntley,	Nunemacher,	Trout,
Corrigan,	James,	O'Brien,	Turner,
Croop,	Jefferson,	O'Dare,	Van Allsburg,
Dalrymple,	Jones, P. N.,	O'Mullen,	Verona,
Dennison,	Keenan,	O'Neill,	Vincent,
DiGenova,	Kenehan,	Owens,	Vogt,
Dix,	Kline,	Petrosky,	Waldow,
Dolon,	Knoble,	Pettit,	Voorhees,
D'Ortona,	Kolankiewicz,	Polaski,	Wagner,
Duffy,	Komorowski,	Polen,	Watkins,
Early,	Krise,	Powers,	Weiss,
Elder,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Rank,	Wilkinson,
Ely,	Leisey,	Readinger,	Williams,
Falkenstein,	Leonard,	Regan,	Winner,
Finestone,	Lesko,	Reese, D. P.,	Wolf,
Finnerty,	Levy,	Reese, R. E.,	Wood, N.,
Fiss,	Leydie,	Reagan,	Woodside,
Fletcher,	Lichtenwalter,	Reynolds,	Woodring,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy,
Gallagher,	Marks,	Rosenfeld,	Speaker.
	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 848, as follows:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to

establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section twenty-eight of the act approved the twenty-ninth day of May one thousand nine hundred thirty-one (P. L. 243) is hereby further amended to read as follows

Nineteen Of the salaries herein provided for full-time teachers supervisors principals and all other full-time members of the teaching and supervisory staff in the public schools of the Commonwealth the Commonwealth shall pay for the biennium year beginning June first one thousand nine hundred and twenty-three and each biennium year thereafter to such school districts as comply with the laws governing the public schools of the Commonwealth for the payment of the salaries of each of said persons employed therein as shown by the certificate herein required to be filed with the Superintendent of Public Instruction in the November immediately preceding any such biennium year as follows In school districts of the first class for each member of the teaching and supervisory staff twenty-five per centum (25%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the second and third class for each member of the teaching and supervisory staff thirty-five per centum (35%) of the annual minimum salary prescribed herein for elementary teachers in such districts except that where such districts are organized upon a quarterly basis and the schools thereof are being operated and kept open throughout the entire twelve months of the school year the Commonwealth shall pay for each member of the teaching and supervisory staff so employed in such districts forty-six and two-thirds per centum (46-2/3%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the fourth class for each member of the teaching and supervisory staff fifty per centum (50%) of the annual minimum salary prescribed herein for teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the first second and third class which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for elementary teachers in such districts and that the amount paid to a school district of the first second and third class which has a true valuation per teacher of assessable property of more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for elementary teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for teachers in such districts and that the amount paid to a school district of the fourth class which has a true valuation per teacher of assessable property of more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for teachers in such districts Provided That where any member of the teaching or supervisory staff receives less salary than the minimum salary prescribed by the foregoing salary schedule for the class of district in which he is teaching there shall be paid to the district a corresponding per centum of the salary paid to such person Provided further That in districts of the first second third and fourth classes the minimum salary of part-time teachers supervisors and principals employed in the extension schools and classes of the Commonwealth established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes shall be one dollar (\$1.00) per hour the minimum annual increment in salary in such extension schools and classes shall be twenty-five cents (\$.25) per hour the minimum number of such annual increments shall be two (2) And providing further That for each part-time member of the teaching and supervisory

staff employed by any school district in extension schools and classes approved by the Department of Public Instruction established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes the Commonwealth shall pay to the several districts the same per centum of the minimum salary herein required to be paid to part-time teachers in such extension schools and classes as is paid to such districts of the minimum salary of the full-time teachers And provided further That for each full-time teachers of a special class and for each full-time supervisor or principal of special schools or classes organized by any school district and approved under legislation providing for the special education of physically or mentally handicapped pupils there shall be paid to the district in addition to other payments herein provided sums as follows To districts of the first class twenty-five per centum (25%) and to other districts thirty per centum (30%) of the minimum salary respectively prescribed herein for elementary teachers in such respective districts and for each part-time teacher supervisor or principal employed in approved special education a fraction of such amounts proportional to the time for which such person is employed And provided further That the total amount paid to any school district on account of any such teacher supervisor or principal employed in special education shall not exceed eighty per centum (80%) of the salary actually paid to such person Provided further That the Superintendent of Public Instruction shall annually apportion to each fourth class district the sum of two hundred dollars (\$200) for each school permanently closed or discontinued in such district since nineteen hundred eleven or which may hereafter be permanently closed or discontinued or which was heretofore permanently closed or discontinued under the provisions of the act of April twenty-fifth one thousand nine hundred and one (P. L. 105) entitled "An act to provide for the centralization of township schools and to provide high schools for townships" and all payments heretofore made by the Commonwealth and all requisitions and warrants heretofore drawn for payments for schools permanently closed or discontinued under the provisions of said act are hereby ratified validated and declared legal Such annual apportionment shall continue to be made to such districts notwithstanding that they may be changed from fourth class districts to other classes by reason of an increase in population And provided further That in addition to the payments herein provided on account of members of the teaching and supervisory staff employed in any school district and on account of schools permanently closed or discontinued in any district each district shall receive its proportionate share of the minimum salaries required to be paid to such additional members of the teaching and supervisory staff as may have been employed subsequent to the certificate to the Superintendent of Public Instruction in the November previous to the biennium year and its apportionment as herein provided for additional schools permanently closed or discontinued subsequent to such certificate Payments required by this proviso shall be made after certificate to the Superintendent of Public Instruction in the November of the biennium year in addition to the last quarterly payment of the biennium as hereinafter provided

The true valuation per teacher for each district shall be determined by the State Council of Education on data and material submitted by the officers of such district in the annual report to the Superintendent of Public Instruction if such data and material shall after investigation by the State Council of Education be found correct otherwise upon such data and material as modified corrected and approved by said Council of Education The true valuation per teacher shall be found by dividing the true valuation of the district by the number of full-time teachers which number shall include all teachers principals supervisors and superintendents employed in the vocational and non-vocational schools of the district for the year covered by such report which number in district of the fourth class shall also include one teacher for each teacher who at the time of the closing of any school in such district subsequent to June first one thousand nine hundred

and twenty-three not since reopened was employed in such school The true valuation of the taxable property of each school district shall be obtained by dividing the amount of the assessed valuation certified in the annual report of the district for the school year ending June thirtieth one thousand nine hundred and twenty-two and every second year thereafter as corrected and approved by the State Council of Education after investigation by the average rate of assessment certified in such annual reports for the three years immediately preceding the date on which such true valuation is determined as corrected and approved by the State Council of Education after investigation The true valuation of each school district for the two fiscal years beginning on June first one thousand nine hundred and twenty-five and ending May thirty-first one thousand nine hundred and twenty-seven and for each biennium thereafter shall be determined during the month of October one thousand nine hundred and twenty-four and in the month of October of every second year thereafter The State Council of Education is hereby given full power and authority to make such investigations to take such action and to institute such proceedings as may be necessary to determine any of the questions that may be raised in the determination and adjustment of the aforesaid true valuations and the decisions which such council reaches in such questions shall be final and conclusive

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Balthaser,	Goodwin,	McClester,	Rush,
Bentley,	Greenwood,	McDermott,	Sarraff,
Bentzel,	Gryskewicz,	McDowell,	Seaton,
Boles,	Gyger,	McFall,	Schwab,
Boney,	Habbyshaw,	McGrath,	Serrill,
Bower,	Haberen,	McIntosh,	Shaffer,
Bradley,	Haines,	McKinney,	Slaw,
Bretherick,	Hall,	McLanahan,	Shepard,
Brown,	Hamilton,	McLane,	Simons,
Brunner, P. A.	Hare,	McMillen,	Skale,
Burns,	Harkins,	McSurdy,	Snyder,
Burris,	Harmuth,	Melchiorre,	So'g,
Cadwalader,	Heatherington,	Modell,	Stambaugh,
Chervenak,	Helm,	Monks,	Stank,
Chudoff,	Hering,	Mooney,	Stine,
Cochran,	Herman,	Moran,	Tarr,
Cohen, M. M.,	Hersch,	Moul,	Tate,
Cohen, R. E.	Hewitt,	Muir,	Taylor,
Cordier,	Holland,	Munley,	Thompson, E. F.
Corrigan,	Huntley,	Nagel,	Thompson, R. L.,
Croop,	James,	Nunemacher,	Trout,
Dalrymple,	Jefferson,	O'Brien,	Turner,
Dennison,	Jones, P. N.,	O'Dare,	Van Allsburg,
DiGenova,	Keenan,	O'Mullen,	Verona,
Dix,	Kenehan,	O'Neill,	Vincent,
Dolon,	Kilne,	Owens,	Vogt,
D'Ortona,	Knoble,	Petrosky,	Voldow,
Duffy,	Kolankiewicz,	Pettit,	Voorhees,
Early,	Komorowski,	Polaski,	Wagner,
Elder,	Krise,	Polen,	Watkins,
Elliott,	Lee, E. A.,	Powers,	Weiss,
Ely,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Falkenstein,	Leisey,	Rank,	Wilkinson,
Finestone,	Leonard,	Readinger,	Williams,
Finnerty,	Lesko,	Reagan,	Winnier,
Fiss,	Levy,	Reese, D. P.,	Wolf,
Fletcher,	Leydie,	Reese, R. E.,	Wood, N.,
Flynn,	Lichtenwalter,	Regan,	Woodring,
Foor,	Longo,	Reynolds,	Woodside,
French,	Lyons,	Rhea,	Yester,
Gallagher,	Malloy,	Riley,	Young,
	Marks,	Rooney,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the

affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1508, Senate No. 645, Printer's No. 181, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1605, (Senate Bill No. 32), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike, heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission, authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act, providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free, providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike, providing for condemnation, granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraff,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	H. Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Turner,
Cordier,	Huntley,	Nagel,	Thompson, E.,
Corrigan,	James,	Nunemacher,	Thompson, R.,
Croop,	Jefferson,	O'Brien,	Trout,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,

DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliott,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Leonard,	Rank,	Wilkinson,
Falkenstein,	Lesko,	Readinger,	Williams,
Finestone,	Lelsey,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1551, (Senate Bill No. 551), entitled:

An Act to amend route 25008 of section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Rosenfeld,
Baker,	Gillan,	McClanaghan,	Royer,
Balthaser,	Goodwin,	McClester,	Rush,
Bentley,	Greenwood,	McDermott,	Sarraff,
Bentzel,	Gryskewicz,	McDowell,	Scanlon,
Boles,	Gyger,	McFall,	Schwab,
Boney,	Habbyshaw,	McGrath,	Serrill,
Bower,	Haberlen,	McIntosh,	Shaffer,
Bradley,	Haines,	McKinney,	Shaw,
Bretherick,	Hall,	McLanahan,	Shepard,
Brown,	Hamilton,	McLane,	Simons,
Brunner, P. A.,	Hare,	McMillen,	Skale,
Burns,	Harkins,	McSurdy,	Snyder,
Burris,	Harmuth,	Melchiorre,	Sorg,
Cadwalader,	Heatherington,	Modell,	Stambaugh,
Chervenak,	Helm,	Monks,	Stank,
Chudoff,	Hering,	Mooney,	Stine,
Cochran,	Herman,	Moran,	Tarr,
Cohen, M. M.,	Hersch,	Moul,	Tate,
Cohen, R. E.,	Hewitt,	Muir,	Taylor,
Cordier,	Holland,	Munley,	Thompson, E. J.,
Corrigan,	Huntley,	Nagel,	Thompson, R. L.,
Croop,	James,	Nunemacher,	Trout,
Dalrymple,	Jefferson,	O'Brien,	Turner,
Dennison,	Jones, P. N.,	O'Dare,	Van Allsburg,
	Keenan,	O'Mullen,	Verona,
	Kenehan,	O'Neill,	Vincent,
	Kline,	Owens,	Vogt,
	Knoble,	Petrosky,	Voldow,
	Kolankiewicz,	Pettit,	Voorhees,
	Komorowski,	Polaski,	Wagner,
	Krise,	Polen,	Watkins,
	Lee, E. A.,	Powers,	Weiss,
	Lee, T. H.,	Prosen,	Welsh, E. B.,

Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1552, (Senate Bill No. 552), entitled:

An Act to abolish and repeal route 25008 in Girard Township Erie County established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Goodwin,	McClester,	Sarraff,
Bentley,	Greenwood,	McDermott,	Scanlon,
Bentzel,	Gryskewicz,	McDowell,	Schwab,
Boles,	Gyger,	McFall,	Serrill,
Boney,	Habbyshaw,	McGrath,	Shaffer,
Bower,	Haberlen,	McIntosh,	Shaw,
Bradley,	Haines,	McKinney,	Shepard,
Bretherick,	Hall,	McLanahan,	Simons,
Brown,	Hamilton,	McLane,	Skale,
Brunner, P. A.,	Hare,	McMillen,	Snyder,
Burns,	Harkins,	McSurdy,	Sorg,
Burris,	Harmuth,	Melchiorre,	Stambaugh,
Cadwalader,	Heatherington,	Modell,	Stank,
Chervenak,	Helm,	Monks,	Stine,
Chudoff,	Hering,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Muir,	Taylor,
Cohen, R. E.,	Hewitt,	Munley,	Thompson, E. F.,
Cordier,	Holland,	Nagel,	Thompson, R. L.,
Corrigan,	Huntley,	Nunemacher,	Trout,
Croop,	James,	O'Brien,	Turner,
Dalrymple,	Jefferson,	O'Dare,	Van Allsburg,
Dennison,	Jones, P. N.,	O'Mullen,	Verona,
DiGenova,	Keenan,	O'Neill,	Vincent,
Dix,	Kenehan,	Owens,	Vogt,
Dolon,	Kline,	Petrosky,	Voldow,
D'Ortona,	Knoble,	Pettit,	Voorhees,
Duffy,	Kolankiewicz,	Polaski,	Wagner,
Early,	Komorowski,	Polen,	Watkins,
Elder,	Krise,	Powers,	Weiss,
Elliott,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Ely,	Lee, T. H.,	Rank,	Wilkinson,
Falkenstein,	Lelsey,	Readinger,	Williams,
Finestone,	Leonard,	Reagan,	Winner,
	Lesko,	Reese, D. P.,	Wolf,

Finnerty,	Levy,	Reese, R. E.,	Wood, N.,
Fiss,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy,
Gallagher,	Marks,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 736, as follows:

An Act to further amend section two thousand five hundred and sixty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the penalties and interest imposed for the nonpayment of taxes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two thousand five hundred and sixty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 927) is hereby further amended to read as follows

Section 2536 Reductions Penalties and Interest All persons who shall make payment during the months of March and April in each year of city and poor tax shall be entitled to a reduction or abatement of one per centum from the amount thereof All such taxes shall be payable at their face during the months of May and June in each year Upon all city and poor taxes remaining unpaid on the first day of July in each year one per centum shall be added thereto and upon the first day of each succeeding month thereafter there shall be added or charged an additional penalty for nonpayment of one per centum until and including the month of December which penalty shall be added to the taxes by said treasurer as collector and be collected by him All taxes remaining unpaid on January first of the year following the year of levy shall bear interest on the tax [and penalty] at the rate of six per centum per annum until paid said interest to be computed only to the first day of the month in which the tax is paid which interest shall be added to the taxes by said treasurer as collector and be collected by him

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraff,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,

Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Heatherington,	Melchiorre,	Sorg,
Burris,	Helm,	Modell,	Stambaugh,
Cadwalader,	Hering,	Monks,	Stank,
Chervenak,	Hersch,	Mooney,	Stine,
Chudoff,	Harmuth,	Moran,	Tarr,
Cochran,	Herman,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliot,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1559, Printer's No. 674, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 568, Printer's No. 683, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1208, Senate No. 80, Printer's No. 331, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 300, as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1. The sum of six hundred dollars (\$600) or as much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and forty-one to be paid to the treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways. Such money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Saraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habysshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliot,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 820, Printer's No. 684, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1657, as follows:

An Act to amend sections one and four of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes" by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose and further providing that said short term notes may be paid and

funded out of the proceeds of bonds issued and sold for the authorized purpose

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and four of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 722) entitled "An act authorizing cities of the second class to issue and sell short term promissory notes" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city of the second class shall have power to issue and sell negotiable short term promissory notes of the city payable not more than three years from the date thereof for the purpose of raising funds for any one or more of the following purposes (a) To pay judgments against the city (b) to pay claims for damages finally determined against the city in connection with municipal improvements (c) to pay other items of floating indebtedness to the city (d) to pay the engineering architectural and other expenses incurred or to be incurred in connection with contracts for municipal improvements [and] (e) to pay for the construction of public improvements within the city and the preliminary expenses in connection therewith and (f) for any other lawful purpose

Section 4 When an increase of the indebtedness of the city for a specific purpose has been duly authorized in the manner required by law the indebtedness so authorized may first be incurred by the city by issuing from time to time as funds for the specific purpose are required short term notes as hereinbefore provided and the notes so issued [shall] may thereafter be paid and funded out of the proceeds of bonds issued and sold for the authorized purpose

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Rooney
Baker,	Gillan,	McClanaghan,	Rosenfeld,
Balthaser,	Goodwin,	McClester,	Royer,
Bentley,	Greenwood,	McDermott,	Rush,
Bentzel,	Gryskewicz,	McDowell,	Sarrafi,
Boles,	Gyger,	McFall,	Scanlon,
Boney,	Habbyshaw,	McGrath,	Schwab,
Bower,	Haberlen,	McIntosh,	Serrill,
Bradley,	Haines,	McKinney,	Shaffer,
Bretherick,	Hall,	McLanahan,	Shaw,
Brown,	Hamilton,	McLane,	Shepard,
B-unner, P. A.,	Hare,	McMillen,	Simons,
Burns,	Harkins,	McSurdy,	Skale,
Burriss,	Harmuth,	Melchiorre,	Snyder,
Cadwalader,	Heatherington,	Mihm,	Sorg,
Chervenak,	Helm,	Modell,	Stambaugh,
Chudoff,	Hering,	Monks,	Stank,
Cochran,	Herman,	Mooney,	Stine,
Cohen, M. M.,	Hersch,	Moran,	Tarr,
Cohen, R. E.,	Hewitt,	Moul,	Tate,
Cordier,	Holland,	Muir,	Taylor,
Corrigan,	Huntley,	Munley,	Thompson, E. F.,
Croop,	James,	Nagel,	Thompson, R. L.,
Dalrymple,	Jefferson,	Nunemacher,	Trout,
Dennison,	Jones, P. N.,	O'Brien,	Turner,
DiGenova,	Keenan,	O'Dare,	Van Allsburg,
Dix,	Kenehan,	O'Mullen,	Verona,
Dolon,	Kline,	O'Neill,	Vincent,
D'Ortona,	Knoble,	Owens,	Vogt,
Duffy,	Kolankiewicz,	Petrosky,	Voldow,
Early,	Komorofski,	Pettit,	Voorhees,
Elder,	Krise,	Polaski,	Wagner,
Elliott,	Lee, E. A.,	Polen,	Watkins,
	Lee, T. H.,	Powers,	Weiss,

Ely,	Leisey,	Prosen,	Welsh, E. B.,
Falkenstein,	Leonard,	Rank,	Wilkinson,
Finestone,	Lesko,	Readinger,	Williams,
Finnerty,	Levy,	Reagan,	Winner,
Fiss,	Leydic,	Reese, D. P.,	Wolf,
Fletcher,	Lichtenwalter,	Reese, R. E.,	Wood, N.,
Flynn,	Longo,	Regan,	Woodring,
Foot,	Lyons,	Reynolds,	Woodside,
French,	Malloy,	Rhea,	Yester,
Gallagher,	Marks,	Riley,	Young,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1658, as follows:

An Act to further amend the first paragraph of section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" by further regulating the manner of letting contracts relating to city affairs

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The first paragraph of section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as last amended by section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-seven (P. L. 310) is hereby further amended to read as follows

Section 1 All contracts relating to city affairs shall be let to the lowest responsible bidder after reasonable notice When the contracts exceeds five hundred dollars such notice shall be by advertisement when less than that amount or when purchased at public sale advertisement may be dispensed with Every contract shall be let [by the mayor and head of the proper department] in the manner prescribed by the council of said city and shall be countersigned by the city controller All bids shall be filed with the city controller and shall be opened publicly [by the mayor and head of the proper department or either of them] in the manner prescribed by the council of said city at a time and place to be designated in the advertisement or notice to bidders and the figures stated to those present No contract shall be let until [councils have] council has passed an ordinance providing for the letting of the same [by the mayor and head of the proper department]

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarrafi,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,

Bradley	Hall,	McLanahan,	Shepard.
Bretherick.	Hamilton.	McLane,	Simons.
Brown.	Hare,	McMillen.	Skale.
Brunner, P. A.	Harkins,	McSurdy.	Snyder,
Burns.	Harmuth.	Melchiorre.	Sorg,
Burriss.	Heatherington.	Modell,	Stambaugh.
Cadwalader.	Helm,	Monks,	Stank.
Chervenak.	Hering.	Mooney.	Stine.
Chudoff.	Herman.	Moran,	Tarr.
Cochran.	Hersch.	Moul,	Tate.
Cohen, M. M.	Hewitt.	Muir,	Taylor.
Cohen R. E.	Holland.	Munley.	Thompson, E. F.,
Cordier.	Huntley.	Nagel.	Thompson, R. L.,
Corrigan.	James.	Nunemacher.	Trout.
Croop.	Jefferson.	O'Brien,	Turner.
Dairymple.	Jones, P. N.,	O'Dare.	Van Allsburg.
Dennison.	Keenan.	O'Mullen.	Verona.
DiGenova.	Kenehan.	O'Neill.	Vincent.
Dix.	Kline.	Owens.	Vogt.
Dolon.	Knoble.	Petrosky.	Voldow.
D'Ortona.	Kolankiewicz.	Pettit.	Voorhees.
Duffy.	Komorowski.	Polaski.	Wagner.
Early.	Krise.	Polen.	Watkins.
Elder.	Lee, E. A.,	Powers.	Weiss.
Elliott.	Lee, T. H.,	Prosen.	Welsh E. B.,
Ely.	Lelsey.	Rank.	Wilkinson.
Falkenstein.	Leonard.	Readinger.	Williams.
Finestone.	Lesko.	Reagan.	Winner.
Finnerty.	Levy.	Reese, D. P.,	Wolf.
Fiss.	Leydic.	Reese, R. E.,	Wood, N.,
Fletcher.	Lichtenwalter.	Regan.	Woodring.
Flynn.	Longo.	Reynolds.	Woodside.
Foor.	Lyons.	Rhea.	Yester.
French.	Malloy.	Riley.	Young.
Gallagher.	Marks.	Rooney.	Kilroy.
Gerard.	Maxwell,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 267, as follows:

An Act making an appropriation to aid certain school districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three million dollars (\$3,000,000) is hereby specifically appropriated to the Department of Public Instruction for the purpose of aiding financially handicapped and distressed school districts in such sums and in such manner as the Superintendent of Public Instruction shall determine and for defraying the necessary cost for the administration thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman.	Gerard.	McClanaghan.	Royer.
Baker.	Gillan.	McClester.	Rush.
Balthaser.	Goodwin.	McDermott.	Sarraf.
Bentley.	Greenwood.	McDowell.	Scanlon.
Bentzel.	Gryskewicz.	McFall.	Schwab.
Boles.	Gyger.	McGrath.	Serrill.
Boney.	Habbyshaw.	McIntosh.	Shaffer.
Bower.	Haberlen.	McKinney.	Shaw.
Bradley.	Haines.	McLanahan.	Shepard.
Bretherick.	Hall.	McLane.	Simons.
Brown.	Hamilton.	McMillen.	Skale.
Brunner, P. A.,	Hare.	McSurdy.	Snyder.
Burns.	Harkins.	Melchiorre.	Sorg.

Burriss.	Heatherington.	Modell.	Stambaugh.
Cadwalader.	Helm.	Monks.	Stank.
Chervenak.	Hering.	Mooney.	Stine.
Chudoff.	Herman.	Moran.	Tarr.
Cochran.	Hersch.	Moul.	Tate.
Cohen, M. M.	Hewitt.	Muir.	Taylor.
Cohen, R. E.	Holland.	Munley.	Thompson, E.,
Cordier.	Huntley.	Nagel.	Thompson, R.,
Corrigan.	James.	Nunemacher.	Trout.
Croop.	Jefferson.	O'Brien.	Turner.
Dairymple.	Jones, P. N.,	O'Dare.	Van Allsburg.
Dennison.	Keenan.	O'Mullen.	Verona.
DiGenova.	Kenehan.	O'Neill.	Vincent.
Dix.	Kline.	Owens.	Vogt.
Dolon.	Knoble.	Petrosky.	Voldow.
D'Ortona.	Kolankiewicz.	Pettit.	Voorhees.
Duffy.	Komorowski.	Polaski.	Wagner.
Early.	Krise.	Polen.	Watkins.
Elder.	Lee, E. A.,	Powers.	Weiss.
Elliott.	Lee, T. H.,	Prosen.	Welsh E. B.,
Ely.	Lelsey.	Rank.	Wilkinson.
Falkenstein.	Leonard.	Readinger.	Williams.
Finestone.	Lesko.	Reagan.	Winner.
Finnerty.	Levy.	Reese, D. P.,	Wolf.
Fiss.	Leydic.	Reese, R. E.,	Wood, N.,
Fletcher.	Lichtenwalter.	Regan.	Woodring.
Flynn.	Longo.	Reynolds.	Woodside.
Foor.	Lyons.	Rhea.	Yester.
French.	Malloy.	Riley.	Young.
Gallagher.	Marks.	Rooney.	Kilroy.
Gerard.	Maxwell,	Rosenfeld.	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1429, as follows:

An Act to amend section four of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is

deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act' is hereby amended to read as follows

Section 4 [That the Commissioner of Health shall appoint a local registrar of vital statistics for each registration district of the State The term of office of local registrars shall be for four years beginning with the first day of January of the year nineteen hundred and thirteen and their successors shall be appointed at least ten days before the expiration of their term of office Provided however That all local registrars now serving under appointment of the Commissioner of Health shall continue to serve until the expiration of their term for which they have been appointed] The county commissioners of each county shall appoint a local registrar of vital statistics for each registration district in their respective counties The term of office of local registrars shall be for four years beginning with the first day of January one thousand nine hundred and forty-one Their successors shall be appointed at least ten days before the expiration of their term of office All local registrars appointed by the Secretary of Health prior to the effective date of these amendments and serving on such date are hereby removed and such offices are hereby declared to be vacant Any local registrar [appointed by the said Commissioner of Health] who fails or neglects to efficiently discharge the duties of his office or who fails to make prompt and complete returns of births and deaths as required hereby shall be forthwith removed from his office by the [said Commissioner of Health] county commissioners and his successor appointed in addition to any other penalties that may be imposed under other sections of this act for failure or neglect to perform his duty Each local registrar [appointed by the Commissioner of Health] shall immediately upon his acceptance of appointment as such appoint a deputy whose duty it shall be to act in his stead in case of absence illness or disability and who shall accept such appointment in writing and who shall be subject to all rules and regulations governing the actions of local registrars and when it may appear necessary for the convenience of the people in any township a local registrar is hereby authorized with the approval of the State Registrar to appoint one or more suitable and proper persons to act as sub-registrars who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the township as may be designated and each sub-registrar shall note over his signature the date on which each certificate was filed and forward all certificates to the registrar of the township within ten days and in all cases before the third day of the following month Provided That all sub-registrars shall be subject to the supervision and control of the State Registrar and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this act or the rules and regulations of the State Registrar and they shall be liable to the same penalties for neglect of duties as the local registrar

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Rush,
Baker,	Goodwin,	McClester,	Sarra,
Balthaser,	Greenwood,	McDermott,	Scanlon,
Bentley,	Gryskewicz,	McDowell,	Schwab,
Bentzel,	Gyger,	McFall,	Serrill,

Boies,	Habbyshaw,	McGrath,	Shaffer,
Boney,	Haberlen,	McIntosh,	Shaw,
Bower,	Haines,	McKinney,	Shepard,
Bradley,	Hall,	McLanahan,	Simons,
Bretherick,	Hamilton,	McLane,	Skale,
Brown,	Hare,	McMillen,	Snyder,
Brunner, P. A.,	Harkins,	McSurdy,	Sorg,
Burns,	Harmuth,	Melchiorre,	Stambaugh,
Burris,	Heatherington,	Modell,	Stank,
Cadwalader,	Helm,	Monks,	Stine,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Munley,	Thompson, R. L.,
Cordier,	Huntley,	Nagel,	Turner,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	VanAllsburg,
Dalrymple,	Jones, P. N.,	O'Dare,	Verona,
Dennison,	Keenan,	O'Mullen,	Vincent,
DiGenova,	Kenehan,	O'Neill,	Vogt,
Dix,	Kline,	Owens,	Voldow,
Dolon,	Knoble,	Petrosky,	Voorhees,
D'Ortona,	Kolankiewicz,	Pettit,	Wagner,
Duffy,	Komorowski,	Polaski,	Watkins,
Early,	Krise,	Polen,	Weiss,
Elder,	Lee, E. A.,	Powers,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Prosen,	Wilkinson,
Ely,	Leisey,	Rank,	Williams,
Falkenstein,	Leonard,	Readinger,	Winner,
Finestone,	Lesko,	Reagan,	Wolf,
Finnerty,	Levy,	Reese, D. P.,	Wood, N.,
Fiss,	Leydic,	Reese, R. E.,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Regan,	Yester,
Foor,	Lyons,	Rhea,	Young,
French,	Malloy,	Riley,	Kilroy,
Gallagher,	Marks,	Rooney,	
Gerard,	Maxwell,	Rosenfeld,	Speaker.
		Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1572, Printer's No. 700, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 957, Printer's No. 745, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1604, Senate Bill No. 352, Printer's No. 330, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1670, as follows:

An Act validating the action of cities of the third class in constructing section of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Wherever heretofore any city of the third class shall have constructed any portion of its sewer system outside the territorial limits of such city by laying sewer pipes out from such city through a portion of a township and back into the city the action of the city in so doing is hereby ratified confirmed and made valid notwithstanding the fact that such action was not authorized by any act of Assembly in force at such time And the section of the sewer system of such city so laid

outside of its territorial limits shall be and remain a lawful sewer of such city in like manner as though it had been constructed pursuant to lawful authority

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gerard,	Maxwell,	Royer,
Baker,	Gillan,	McClanaghan,	Rush,
Balthaser,	Goodwin,	McClester,	Sarra,
Bentley,	Greenwood,	McDermott,	Scanlon,
Bentzel,	Gryskewicz,	McDowell,	Schwab,
Boles,	Gyger,	McFall,	Serrill,
Boney,	Habbsyshaw,	McGrath,	Shaffer,
Bower,	Haberlen,	McIntosh,	Shaw,
Bradley,	Haines,	McKinney,	Shepard,
Bretherick,	Hall,	McLanahan,	Simons,
Brown,	Hamilton,	McLane,	Skale,
Brunner, P. A.,	Hare,	McMillen,	Snyder,
Burns,	Harkins,	McSurdy,	Sorg,
Burris,	Harmuth,	Melchiorre,	Stambaugh,
Cadwalader,	Heatherington,	Modell,	Stank,
Chervenak,	Helm,	Monks,	St'ne,
Chudoff,	Hering,	Mooney,	Tarr,
Cochran,	Herman,	Moran,	Tate,
Cohen, M. M.,	Hersch,	Moul,	Taylor,
Cohen, R. E.,	Hewitt,	Muir,	Thompson, E. F.
Cordier,	Holland,	Munley,	Thompson, R. L.
Corrigan,	Huntley,	Nagel,	Trout,
Croop,	James,	Nunemacher,	Turner,
Dalrymple,	Jefferson,	O'Brien,	VanAllsburg,
Dennison,	Jones, P. N.,	O'Dare,	Verona,
DiGenova,	Keenan,	O'Mullen,	Vincent,
Dix,	Kenehan,	O'Neill,	Vogt,
Dolon,	Kline,	Owens,	Voldow,
D'Ortona,	Knoble,	Petrosky,	Voorhees,
Duffy,	Kolankiewicz,	Pettit,	Wagner,
Early,	Komorofski,	Polaski,	Watkins,
Elder,	Krise,	Polen,	Weiss,
Elliott,	Lee, E. A.,	Powers,	Welsh, E. B.,
Ely,	Lee, T. H.,	Prosen,	Wilkinson,
Falkenstein,	Leisey,	Rank,	Williams,
Finestone,	Leonard,	Readinger,	Winner,
Finnerty,	Lesko,	Reagan,	Wolf,
Fiss,	Levy,	Reese, D. P.,	Wood, N.,
Fletcher,	Leydic,	Reese, R. E.,	Woodring,
Flynn,	Lichtenwalter,	Regan,	Woodside,
Foor,	Longo,	Reynolds,	Yester,
French,	Lvons,	Rhea,	Young,
Gallagher,	Malloy,	Riley,	Kilroy,
	Marks,	Rooney,	
		Rosenfeld,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 329, Printer's No. 733, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1302, Printer's No. 732, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1407, (Senate Bill No. 597), Printer's No. 339, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1493, as follows:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties therefore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" is hereby amended to read as follows

Section 2 Any said officer or employe so enlisting enrolling or drafted and having a dependent or dependents as aforesaid may at the time of his enlistment enrollment or draft or immediately thereafter file with the head or chief of the department bureau commission or office in which he is employed a statement in writing executed under oath setting forth the fact and date of his enlistment enrollment or draft his intention to retain his said office or employment and to resume the duties thereof after the expiration of his service in the military or naval service or any branch or unit thereof and the names and addresses of his wife children and dependent parent or parents if any such he have and requesting and directing that one-half of the salary or wages of his said office or employment not exceeding two thousand (\$2,000) dollars per annum shall be paid during his service in the military or naval service or any branch or unit thereof as follows

If he is a member of the State Employees' Retirement Association or the Pennsylvania Motor Police Retirement System he may direct the State Treasurer to pay into the State Employees' Retirement Fund an amount certified to

the State Treasurer by the State Employees' Retirement Board in a manner now or hereafter provided by law. The balance thereof if [If] he have a wife to his wife for her use and that of his children if he have children and no wife then to such person as he may designate for the use and benefit of his children. If he have a dependent parent or parents then he shall direct such sum as he has theretofore been accustomed to contribute to their support to be paid to them and the amount payable to his wife or children if any he have shall be proportionately decreased. If he have no wife or children he may direct the entire one-half of his salary or wages not exceeding two thousand (\$2,000) dollars per annum to be paid to his dependent parent or parents if any such he have all sums so directed to be paid shall be paid to the Commonwealth agency and/or the person designated in the same proportional instalments as nearly as may be as the salary or wages of such person were theretofore paid to him. With such statement he shall also file powers of attorney authorizing the Commonwealth agency and/or the proper dependents to receive their proportion of said salary or wages as aforesaid.

Section 2 This act shall be effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	Malloy,	Rosenfeld,
Baker,	Goodwin,	McClanaghan,	Royer,
Balthaser,	Greenwood,	McClester,	Rush,
Bentley,	Gryskewicz,	McDermott,	Sarraf,
Bentzel,	Cyger,	McDowell,	Scanlon,
Boles,	Habbyshaw,	McFall,	Schwab,
Boney,	Haberlen,	McGrath,	Serrill,
Bower,	Haines,	McIntosh,	Shaffer,
Bradley,	Hall,	McKinney,	Shaw,
Bretherick,	Hamilton,	McLanahan,	Shepard,
Brown,	Hare,	McLane,	Simons,
Brunner, P. A.,	Harkins,	McMillen,	Skale,
Burns,	Harmuth,	McSurdy,	Snyder,
Burris,	Heatherington,	Melchiorre,	Sorg,
Cadwalader,	Helm,	Modell,	Stambaugh,
Chervenak,	Hering,	Monks,	Stank,
Chudoff,	Herman,	Monney,	Stine,
Cochran,	Hersch,	Moran,	Tarr,
Cohen, M. M.,	Hewitt,	Moul,	Tate,
Cohen, R. E.,	Holland,	Muir,	Taylor,
Cordier,	Huntley,	Munley,	Thompson, E. F.,
Corrigan,	James,	Nagel,	Thompson, R. L.,
Croop,	Jefferson,	Nunemacher,	Trout,
Dalrymple,	Jones, P. N.,	O'Brien,	Turner,
Dennison,	Keenan,	O'Dare,	VanAllsburg,
DiGenova,	Kenelhan,	O'Mullen,	Verona,
Dix,	Kline,	O'Neill,	Vincent,
Dolon,	Knoble,	Owens,	Vogt,
D'Ortona,	Kolankiewicz,	Petrosky,	Voldow,
Duffy,	Komorowski,	Pettit,	Voorhees,
Early,	Krise,	Polaski,	Wagner,
Elder,	Lee, E. A.,	Polen,	Watkins,
Elliott,	Lee, T. H.,	Powers,	Weiss,
Ely,	Leisey,	Prosen,	Welsh, E. B.,
Falkenstein,	Leonard,	Rank,	Wilkinson,
Finestone,	Lesko,	Readinger,	Williams,
Fiss,	Levy,	Reagan,	Winner,
Fletcher,	Leydic,	Reese, D. P.,	Wolf,
Flynn,	Lichtenwalter,	Reese, R. E.,	Wood, N.,
Foor,	Longo,	Regan,	Woodring,
French,	Lyons,	Reynolds,	Woodside,
Gallagher,	Maxwell,	Rhea,	Yester,
Gerard,	Marks,	Riley,	Young,
		Rooney,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1494, as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which state employees serve excepting annuities allowances returns benefits and rights, from taxation and judicial process and providing penalties."

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "The act to which this is a supplement" shall mean the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

2 "State employee" shall mean any person who is a "State employee" as defined in the act to which this is a supplement

3 "Salary deductions" shall mean the amount certified by the State Employees' Retirement Board and either (a) deducted from the salary of a contributor to the State Employees' Retirement Fund and paid by the State Treasurer into the fund created by the act to which this is a supplement through the Department of Revenue under the provisions of section seven of said act or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to a State employee or his dependent or dependents while in active military service as defined in this act and paid into the Retirement Fund by the State Treasurer through the Department of Revenue

4 "Board" shall mean the State Employees' Retirement Board created by the act to which this is a supplement

5 "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania by the authority of this Commonwealth

6 "Head of the Department" shall mean the agency of the Commonwealth defined in the act to which this is a supplement

Section 2 A State employee who enters into active military service may elect to continue to pay into the State Employees' Retirement Fund his salary deductions on the basis of his salary on the date of his entry into such active military service. Such election shall be in writing on the form prescribed by the Board and it shall be

filed with the Board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service. By such election a State employe shall authorize and direct the State Treasurer to pay into the State Employees' Retirement Fund an amount certified to the State Treasurer by the Board as the member's salary deduction. The State Treasurer shall deduct such amount from any moneys payable to such State employe or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employes employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed such officers or employes respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to State employes or providing for the payment of grants-in-aid or subsidies to a State employe while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the Fund created by the act to which this is a supplement.

Section 3 A State employe who does not elect to pay into the State Employees' Retirement Fund during the period of his active military service an amount equal to his salary deductions may during the period of such active military service and for a further period of forty (40) days after completion of such active military service pay into the State Employees' Retirement Fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the Board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age.

Section 4 A State employe who complies with the provisions of section two or section three of this act shall after such election be classified by the Board as a State employe in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such State employe continued to be in the actual employ and service of the Commonwealth of Pennsylvania at the salary such State employe had been receiving on the date of his or her entry into active military service. Provided however That such State employe shall not have the right to retire upon disability under the provisions of section twelve of the act to which this is a supplement except as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as an employe with active military service.

Section 5 A State employe who does not file with the Board an election to pay his salary deductions into

the State Employees' Retirement Fund as provided in section two of this act shall be classified as a nonpaying member in active military service of the State Employees Retirement Association until he shall return to the actual employ and service of the Commonwealth of Pennsylvania or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service. Such member shall enjoy all the benefits to which the member was entitled on the date of entry into active military service under any law of the Commonwealth of Pennsylvania relating to the State Employees' Retirement Association and the State Employees' Retirement Fund. Provided however That such member shall not have the right to retire upon disability under the provisions of section twelve of the act to which this is a supplement except as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as an employe with active military service.

Section 6 A State employe who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not later than forty (40) days after the completion of such active military service request the Board for a physical and medical examination. At a time and place within the Commonwealth and by an examiner or examiners to be designated by the Board the applicant shall appear for and submit to such examination. If the examiner or examiners shall find as a fact that such State employe is free from physical or mental incapacity which renders him or is likely to render him incapable of performing the duties of his employment the examiner or examiners shall so certify to the Board whereupon the Board shall classify the applicant as a member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service. If the examiner or examiners shall find as a fact that such State employe is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ and service of the Commonwealth the examiner or examiners shall certify to the Board the nature and degree of such physical or mental incapacity or disability whereupon the Board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section eleven of the act to which this is a supplement or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the Board as State employe without disability rights. Such State employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly. Such election shall be in writing in form prescribed by the Board and shall be filed with the Board not later than fifty (50) days after the completion of such active military service.

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the Board with the advice of the Board's actuary and a physician and/or psychiatrist to be by the Board employed for that purpose.

Section 8 All State employes who shall have been engaged in active military service and who shall have returned to State employment or State service without examination or certification as required by sections six and seven of this act shall be classified by the Board as State employes without disability rights. Such State employe shall enjoy all the rights incident to membership in the Retirement System except the right to retire for

disability or upon disability and to receive a disability retirement allowance Such members salary deduction shall be reduced accordingly

Section 9 The amount by which the salary deduction of a State employe without disability rights to be paid into the Fund shall be reduced shall be determined by the Board in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all State employes who were members of the State Employes' Retirement System on October fifteenth one thousand nine hundred forty

Section 11 This act shall become effective immediately upon approval

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester	Rush
Balthaser,	Greenwood,	McDermott,	Sarraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boies,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Mulr,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kilne,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliott,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1495, as follows:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a

Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes Retirement Fund under the Administration of the State Employes' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "The act to which this is a supplement" shall mean the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employes' Retirement Fund under the Administration of the State Employes' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes providing penalties"

2. "Board" shall mean the State Employes' Retirement Board

3. "Member" shall mean a person defined as either "Original Member" or "New Member" by the act to which this is a supplement

4 "Salary deductions" shall mean the amount certified by the State Employes' Retirement board and either (a) deducted from the salary of a member and paid through the Department of Revenue by the State Treasury into the Fund created by the act to which this is a supplement or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to a member or his dependent or dependents while in active military service as defined in this act and paid into the said Fund by the State Treasurer through the Department of Revenue

5 "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania

6 "Fund" shall mean the State Employes' Retirement Fund into which payments and contributions are required to be made by section four of the act to which this is a supplement

7 "Head of the Department" shall mean as applied to State employes the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member

Section 2 A member who enters into active military service may elect to continue to pay into the Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the Board and it shall be filed with the Board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service By such election a member shall authorize and direct the State Treasurer to pay into the Fund an amount certified to the State Treasurer by the Board as the member's salary deduction The State Treasurer shall deduct such amount from any moneys payable to such member or his dependent or dependents under the

provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to members or providing for the payment of grants-in-aid or subsidies to a member while in active military service or under any law now in force or hereafter enacted and the State Treasurer shall pay the amount so deducted into the Fund created by the act to which this is a supplement.

Section 3 A member who does not elect to pay into the Fund during the period of his active military service an amount equal to his salary deductions may during the period of his active military service and for a further period of forty (40) days after the completion of such active military service pay into the Fund an amount which shall be equal to the salary deductions multiplied by the number of the semi-monthly periods during which he or she was absent from State employment or State service in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the member and the Board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age.

Section 4 A member who complies with section two or section three of this act shall be classified by the Board as a Pennsylvania Motor Police member in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all the benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such member continues to be in the actual employment and service of the Commonwealth of Pennsylvania at the salary such member had been receiving on the date of his or her entry into active military service. Provided however That such member and his dependent or dependents shall not have the right to those payments upon death for which provision is made in section eleven or to retire upon disability under the provisions of section thirteen or to receive or to have paid for the member's benefit medical surgical and hospital expenses under the provisions of section twenty-two of the act to which this is a supplement except in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as an employee with active military service.

Section 5 A member who does not file with the Board an election to pay his salary deductions into the Fund as provided in section two of this act shall be classified as a non-paying Motor Police member in active military service of the Pennsylvania Motor Police Retirement System until he or she shall return to the actual employ or service of the Commonwealth or until such member complies with section three of this act in the manner provided or for the period of such active military

service and for forty (40) days after the completion of such active military service. Such member shall enjoy all the benefits to which the member was entitled upon the date of entry into active military service under the laws of the Commonwealth of Pennsylvania relating to the Pennsylvania Motor Police Retirement System and the State Employees' Retirement Association and the State Employees Retirement Fund. Provided however That such member and his dependent or dependents shall not have the right to the benefit of payment upon death for which provision is made in section eleven of the act to which this is a supplement or the right to the benefit of payment for medical surgical or hospital expenses for which provision is made in section twenty-two of the act to which this is a supplement or the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service the head of the department shall certify such member as employee with active military service.

Section 6 A member who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service but not more than forty (40) days after the completion of such active military service request the Board for a physical and medical examination. At a time a place and by an examiner or examiners to be designated by the Board the applicant shall appear for and submit to such examination. If the examiner or examiners shall find as a fact that such member is free from physical or mental incapacity which renders him or her or is likely to render him or her incapable of performing the duties of his or her employment the examiner or examiners shall so certify to the Board whereupon the Board shall classify the applicant as a Pennsylvania Motor Police member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service including the retirement allowance payable upon the death of a contributor as a direct and proximate result of injuries received in the course of his employment under the provisions of section eleven of the act to which this is a supplement and the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement if the cause for disability is not incurred in or related to the members active military service and the right to medical surgical or hospital expenses thereafter incurred and for which provision is made in section twenty-two of the act to which this is a supplement. If the examiner or examiners find as a fact that such member is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ or service of the Commonwealth the examiner or examiners shall certify to the Board the nature and degree of such physical or mental incapacity or disability whereupon the Board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section eleven of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the Board as State employee without disability rights. Such State employee shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly. Such election shall be in writing in form prescribed by the Board and shall be filed with the Board not later than fifty (50) days after the completion of such active military service.

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the Board with the advice of the Board's actuary and a physician and/or psychiatrist to be by the Board employed for that purpose

Section 8 Every employe who shall have been engaged in active military service and who shall have returned to State employment or State service without examination or certificate as required by sections six and seven of this act shall be classified by the Board as Pennsylvania Motor Police members without disability rights. Such member shall enjoy all rights incident to membership in the System except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly

Section 9 The amount by which the salary deductions of a member without disability rights to be paid into the Retirement Fund shall be reduced shall be determined by the Board in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all members who were members of the Pennsylvania Motor Police Retirement System on October 15 1940

Section 11 This act shall become effective immediately upon approval

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.	Harkins,	McSurdy,	Snyder,
Burns,	Earmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kilne,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Druffy,	Komorofski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Wakins,
Elder,	Lee E. A.,	Powers,	Weles,
Elliot,	Lee T. H.,	Prosen,	Welsh E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy,
Gerard,	Maxwell,	Rosenfeld,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1480, as follows:

An Act authorizing the Commonwealth political subdivisions and certain institutions to purchase services from organizations for the blind and of the blind without contracts or advertisement providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind and of the blind imposing certain duties upon the Department of Property and Supplies and the State Council for the Blind

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies on behalf of the Commonwealth and its agencies any county city borough town township school district and institution district and any institution maintained by or receiving aid from the Commonwealth are hereby authorized to purchase services furnished by organizations for the blind endorsed by the State Department of Welfare

All orders for services to be purchased by the Department of Property and Supplies for the Commonwealth and its agencies under the provisions of this act shall be transmitted by the purchaser to the State Council for the Blind of the Department of Welfare and shall be allocated by said council to the several agencies for the blind or of the blind furnishing such services on the basis of geographical location number of blind employees involved and the ability to meet standard requirements

Section 2 All purchases made under this act shall be at the fair market price for the particular services. The fair market price for the particular services shall be fixed by a committee composed of the Secretary of Property and Supplies the Secretary of Labor and Industry the Auditor General and two representatives of participating agencies for the blind and of the blind to be appointed by the State Council for the Blind. Such price fixing committee shall meet from time to time at the call of the State Council for the Blind and at a time and place at the State Capitol fixed by said council

The prices so fixed by the said committee and any change therein from time to time to meet changing market conditions shall be furnished to the various agencies authorized to make purchases under the provisions of this act. No change in price shall become effective prior to the expiration of fifteen days from the date on which such change is made by the committee

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 The provisions of this act shall become effective on the first day of June one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Rush,
Baker,	Goodwin,	McClester,	Sarraf,
Balthaser,	Greenwood,	McDermott,	Scanlon,
Bentley,	Gryskewicz,	McDowell,	Schwab,
Bentzel,	Gyger,	McFall,	Serrill,
Boles,	Habbyshaw,	McGrath,	Shaffer,
Boney,	Haberlen,	McKinney,	Shaw,
Bower,	Haines,	McLanahan,	Shepard,

Bradley,	Hall,	McLane,	Simons,
Bretherick,	Hamilton,	McMillen,	Skale,
Brown,	Hare,	McSurdy,	Snyder,
Brunner, P. A.,	Harkins,	Melchiorre,	Sorg,
Burns,	Harmuth,	Modell,	Stambaugh,
Burriss,	Heatherington,	Monks,	Stank,
Cadwalader,	Helm,	Mooney,	Stine,
Chervenak,	Hering,	Moran,	Tarr,
Chudoff,	Herman,	Moul,	Tate,
Cochran,	Hersch,	Mulr,	Taylor,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, E.,
Cohen, R. E.,	Holland,	Nagel,	Thompson, R.,
Cordier,	Huntley,	Nunemacher,	Trout,
Corrigan,	James,	O'Brien,	Turner,
Croop,	Jefferson,	O'Dare,	Van Allsburg,
Dalrymple,	Jones, P. N.,	O'Mullen,	Verona,
Dennison,	Keenan,	O'Neill,	Vincent,
DiGenova,	Kenehan,	Owens,	Vogt,
Dix,	Kline,	Petrosky,	Voldow,
Dolon,	Knoble,	Pettit,	Voorhees,
D'Ortona,	Kolankiewicz,	Polaski,	Wagner,
Duffy,	Komorowski,	Polen,	Watkins,
Early,	Krise,	Powers,	Weiss,
Elder,	Lee, E. A.,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Rank,	Wilkinson,
Ely,	Leisey,	Readinger,	Williams,
Falkenstein,	Leonard,	Reagan,	Winner,
Finestone,	Lesko,	Reese, D. P.,	Wolf,
Finnerty,	Levy,	Reese, R. E.,	Wood, N.,
Fiss,	Leydic,	Regan,	Woodring,
Fletcher,	Lichtenwalter,	Reynolds,	Woodside,
Flynn,	Longo,	Rhea,	Yester,
Foor,	Lyons,	Riley,	Young,
French,	Malloy,	Rooney,	Kilroy,
Gallagher,	Marks,	Rosenfeld,	Speaker.
Gerard,	Maxwell,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 771, Printer's No. 752, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1283, Printer's No. 759, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 908, Printer's No. 753, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1232, as follows:

An Act to further amend section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand eight hundred and four of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1180) is hereby further amended to read as follows

Section 1804 Regulations Concerning Appropriation No debt shall be created by any department of the city except in pursuance of previous authority of law ordinance

or resolution No money shall be paid out of the city treasury except upon appropriation made according to law and on warrant drawn by the proper officer in pursuance thereof No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys in any amount which will cause the sums appropriated to specific purposes to be exceeded In every case in which an appropriation shall be exhausted and the object of which is not completed the director of accounts and finance shall immediately report the fact to the city council and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they were drawn The council may at any time by ordinance make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose including the proceeds of any borrowing now or hereafter authorized by law The council shall have the power to authorize the transfer within the same fund of any unexpended balance or any portion thereof from one spending agency to another but such action shall be taken only on the recommendation of a director of one of the department and only during the last nine months of the fiscal year

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarra,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burriss,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Mulr,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Ko.ankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliot,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Leonard,	Rank,	Wilkinson,
Falkenstein,	Leisey,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy, Speaker.
Gerard,	Maxwell,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1233, Printer's No. 755, was passed over at the request of Mr. GERARD.

There being no objection House Bill No. 1235, Printer's No. 756, was passed over at the request of Mr. GERARD.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1236, as follows:

An Act to further amend section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the township supervisors from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section nine hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1738) is hereby further amended to read as follows

Section 902 Annual Budget (1) The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenues and expenditures for the fiscal year beginning on the first Monday of January which shall be filed with the treasurer in all townships in which the estimated expenditures in the budget exceed five thousand dollars (\$5,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided The estimates in the budget for the purpose of aiding the board in determining how much road and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

(e) The amount of money necessary for the payment of debts or other miscellaneous purposes

(2) Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars (\$5,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put

it into effect In townships in which the estimated expenditures do not exceed five thousand dollars (\$5,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

(3) The total appropriation shall not exceed the revenues estimated as available for the fiscal year In all townships in which the estimated expenditures in the budget exceed five thousand dollars (\$5,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs

(4) The supervisors may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law Such supplemental appropriations may be made whether or not an appropriation for the same purpose was included in the original budget as adopted except that no supplemental appropriation shall be made for any purpose in respect to which the court on an appeal pursuant to section nine hundred eight of this act has ordered a specific reduction or elimination of an item of the original budget for the same purpose

(5) The supervisors may by resolution transfer unencumbered moneys from one road tax account to another but no moneys shall be transferred from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Such transfers shall not be made during the first three months of the fiscal year No money shall be paid out of the township treasury except upon appropriations made according to law

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Rosenfeld,
Baker,	Goodwin,	McClester,	Royer,
Balthaser,	Greenwood,	McDermott,	Rush,
Bentley,	Gryskewicz,	McDowell,	Sarra,
Bentzel,	Gyger,	McFall,	Scanlon,
Boles,	Habbyshaw,	McGrath,	Schwab,
Boney,	Haberien,	McIntosh,	Serrill,
Bower,	Kaines,	McKinney,	Shaffer,
Bradley,	Hall,	McLanahan,	Shaw,
Bretherick,	Hamilton,	McLane,	Shepard,
Brown,	Hare,	McMillen,	Simons,
Brunner, P. A.,	Harkins,	McSurdy,	Skale,
Burns,	Harmuth,	Meichlorre,	Snyder,
Burris,	Heatherington,	Modell,	Sorg,
Cadwalader,	Helm,	Jonks,	Stambaugh,
Chervenak,	Hering,	Mooney,	Stank,
Chudoff,	Herman,	Moran,	Stine,
Cochran,	Hersch,	Moul,	Tarr,
Cohen, M. M.,	Hewitt,	Muir,	Tate,
Cohen, R. E.,	Holland,	Munley,	Taylor,
Cordier,	Huntley,	Nagel,	Thompson, E. F.,
Corrigan,	James,	Nunemacher,	Thompson, R. L.,
Croop,	Jefferson,	O'Brien,	Trout,
Dairymple,	Jones, P. N.,	O'Dare,	Turner,
Dennison,	Keenan,	O'Mullen,	VanAlsbury,
DiGenova,	Kenehan,	O'Neill,	Verona,
Dix,	Kline,	Owens,	Vincent,
Dolon,	Knoble,	Petrosky,	Vogt,
D'Ortona,	Kolankiewicz,	Pettit,	Voldow,
Duffy,	Komarofski,	Polaski,	Voorhees,
Early,	Krise,	Polen,	Wagner,
Eider,	Jac. A.,	Powers,	Watkins,
Elliott,	Lee, T. H.,	Prosen,	Welss,
Ely,	Leonard,	Rank,	Welsh, E. B.,
Falkenstein,	Lelsey,	Readinger,	Wilkinson,

Finestone,	Lesko,	Reagan,	Williams,
Finnerty,	Levy,	Reese, D. P.,	Winner,
Fiss,	Leydic,	Reese, R. E.,	Wolf,
Fletcher,	Lichtenwalter,	Regan,	Wood, N.,
Flynn,	Longo,	Reynolds,	Woodring,
Foor,	Lyons,	Rhea,	Woodside,
French,	Malloy,	Riley,	Yester,
Gallagher,	Marks,	Rooney,	Young,
Gerard,	Maxwell,		Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1234, as follows:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the township commissioners from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand seven hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto", as amended by the act approved the eighteenth day of July one thousand nine hundred thirty-five (P. L. 1176) is hereby further amended to read as follows

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year within sixty days after the first Monday of January and at least thirty days prior to the adoption of the annual budget prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The tax levied by the township authorities shall be fixed at such figure within the limit allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget

The township commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose including the proceeds of any borrowing now or hereafter authorized by law

The township commissioners shall have power to authorize the transfer within the same fund of any unen-

cumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Rush,
Baker,	Goodwin,	McClester,	Sarraff,
Balthaser,	Greenwood,	McDermott,	Scanlon,
Bentley,	Gryskewicz,	McDowell,	Schwab,
Bentzel,	Gyger,	McFall,	Serrill,
Boies,	Habbyshaw,	McGrath,	Shaffer,
Boney,	Haberlen,	McIntosh,	Shaw,
Bower,	Haines,	McKinney,	Shepard,
Bradley,	Hall,	McLanahan,	Simons,
Bretherick,	Hamilton,	McLane,	Skale,
Brown,	Hare,	McMillen,	Snyder,
Brunner, P. A.,	Harkins,	McSurdy,	Sorg,
Burns,	Harmuth,	Melchiorre,	Stambaugh,
Burris,	Heatherington,	Modell,	Stank,
Cadwalader,	Helm,	Monks,	Stine,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Holland,	Munley,	Thompson, R. L.,
Cordier,	Huntley,	Nagel,	Trout,
Corrigan,	James,	Nunemacher,	Turner,
Croop,	Jefferson,	O'Brien,	VanAllsburg,
Dalrymple,	Jones, P. N.,	O'Dare,	Verona,
Dennison,	Keenan,	O'Mullen,	Vincent,
DiGenova,	Kenehan,	O'Neill,	Vogt,
Dix,	Kline,	Owens,	Voldow,
Dolon,	Knoble,	Petrosky,	Voorhees,
D'Ortona,	Kolankiewicz,	Pettit,	Wagner,
Duffy,	Komorowski,	Polaski,	Watkins,
Early,	Krise,	Polen,	Weiss,
Elder,	Lee, E. A.,	Powers,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Prosen,	Wilkinson,
Ely,	Leisey,	Rank,	Williams,
Falkenstein,	Leonard,	Readinger,	Winner,
Finestone,	Lesko,	Reagan,	Wolf,
Finnerty,	Levy,	Reese, D. P.,	Wood, N.,
Fiss,	Leydic,	Reese, R. E.,	Woodring,
Fletcher,	Lichtenwalter,	Regan,	Woodside,
Flynn,	Longo,	Reynolds,	Yester,
Foor,	Lyons,	Rhe,	Young,
French,	Malloy,	Riley,	
Gallagher,	Marks,	Rooney,	
Gerard,	Maxwell,	Rosenfeld,	
		Royer,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 2, Printer's No. 453, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 909, Printer's No. 305, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1203, as follows:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary be and the same is hereby specifically appropriated to the Jefferson Medical College of Philadelphia Pennsylvania for the two fiscal years beginning June first one thousand nine hundred forty-one for the support and promotion of medical education.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—183

Achterman,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraff,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyschaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sorg,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Fersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.,
Cordier,	Huntley,	Nagel,	Thompson, R. L.,
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	Van Allsburg,
Dennison,	Keenan,	O'Mullen,	Verona,
DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kline,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliot,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Lelsey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Levy,	Reagan,	Winnor,
Finnerty,	Leydic,	Reese, D. P.,	Wolf,
Fiss,	Lesko,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Mallou,	Riley,	Young,
Gallagher,	Marks,	Rooney,	Kilroy, Speaker.
Gerard,	Maxwell,	Rosenfeld,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING NOT ON FILE

The SPEAKER. House Bill No. 1537, (Senate Bill No.

381), Printer's No. 360 and House Bill No. 1630, Printer's No. 806, bills on third reading, are not on file and will be passed over.

BILL ON SECOND READING

Mr. MELCHIORRE asked and obtained unanimous consent to call up out of order House Bill No. 1450, Printer's No. 561, on page 18, of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1450, entitled:

An Act requiring public utilities engaged in the transportation of passengers for hire in this Commonwealth, to charge only half-fare for all school children transported by such companies; imposing duties on the heads of certain schools in this Commonwealth; and imposing penalties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. MELCHIORRE. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HOLLAND. Mr. Speaker, I rise to oppose this motion because the bill we are considering is one that is very essential in the State of Pennsylvania, and inasmuch as the days of this session are now numbered, to recommit it to the Committee on Public Utilities means a delay of a week or more and may mean the loss and defeat of the bill. The bill which has been asked to be recommitted is to give reduced street car fares to school children. This bill may seem drastic in Pennsylvania, but it is interesting to note what they have done in other cities.

In 1936 I was successful in having this House pass a Resolution requesting the Pittsburgh Railways Company, of the City of Pittsburgh, and the Public Utility Commission to get together and secure for the school children of Pittsburgh a 25 cents Weekly School Pass. After a number of meetings that were held with the Pittsburgh Railway Company, I was successful in securing for these school children of Pittsburgh a 50 Cents Weekly School Pass.

This Pass is good between the hours of 7 o'clock in the morning and 4:30 o'clock in the afternoon.

A number of you may be interested in knowing just how this pass has worked out. The passes are sold at the schools. The average number of passes in any one year of the four years they have been used is 173,238. This means that the parents of the school children of the City of Pittsburgh have saved 33-1/3 cents a week, which makes an accumulated savings of \$57,746—which, I might add, can buy a lot of shoes for the school kiddies of Pittsburgh.

Now this is not a loss to the Pittsburgh Railway Company, because it has been estimated by the Board of Education that the additional riders who are able to use the street cars, due to the cut in carefare, are around

41,000 riders per year. And, I might add, that in some cases this pass is used at noon for the kiddies to come home for lunch which makes an additional saving for the parents.

Let us now consider what they are doing outside of Pennsylvania, and I am going to use quotations direct from the letters received from the School Boards of the following cities:

Detroit, Michigan. School children, under 18 years of age, are entitled to a 6c rate of fare on buses as well as free transfers between street car and bus. The regular fare on street cars is 6c, the transfer from a street car to a bus cost 4c, and the bus fare is 10c.

San Francisco, California. Children purchase half fare tickets by presenting a blank signed by the principal of the school. Tickets are good on Saturdays and holidays up to 6 p. m. Regular fare is 5c.

Cincinnati, Ohio. 5c rate for pupils when on their way to and from school is in effect. Regular fare is 9c when tickets are purchased.

Los Angeles, California. Regular fare on the Los Angeles Railway is 7c, or 4 tokens for 25c. School children may purchase 40 ride tickets for \$1.40, which is 3½c per ride.

Norfolk, Virginia. Regular transportation rate is 3 tokens for 25c. School tickets are purchased through schools for 24 rides for \$1.00. Or, 4-1/6c per ride.

Salt Lake City, Utah. The Utah Light and Transit Company sell a book of 50 rides for \$2.00 or 4c per ride. Regular fare is 3 rides for 25c.

Baltimore, Maryland. Baltimore Transit Company permits school children to ride for a 5c rate. Regular rate is 10c per ride.

New York, N. Y. Regular fare is 5c. A monthly school ticket is sold for \$1.00 which is a little better than half fare.

Newark, N. J. The School Board furnishes transportation which is supplied the children free. The School Board pays 3c per school ticket which is good between the hours 8 a. m. and 5 p. m.

Cleveland, Ohio. School children, 12 years and under, may ride on any street car or bus by paying 1c to the conductor. Junior and senior high school children use a weekly pass costing 50c each. The regular fare for a single ride is 10c or 6 tickets for 50c.

Milwaukee, Wisconsin. A 50c street car pass is used by school children between the hours 7:30 a. m. and 5 p. m. daily and between 12 noon and 5:30 p. m. on Saturday. The Saturday arrangement is to give the children an opportunity to attend athletic events as well as going to the parks. The adult fare is \$1.00 for a weekly pass.

Denver, Colorado. The regular street carfare in Denver is 10c and school children are permitted to ride for 5c during school hours.

St. Louis, Mo. The regular fare is 4 tokens for 35c. Children are sold tickets 10 rides for 70c. I might add that I lived in this town and it is politically controlled by the utilities.

Birmingham, Alabama. Regular street carfare is 7c. Children are supplied a book of tickets of 50 for \$1.25.

Atlanta, Georgia. Here school children receive one-half fare.

Chicago, Illinois. School children receive one-half fare here, also.

Providence, Rhode Island. Regular fare 5 tokens for 35c and school children ride 10 tickets for 40c.

Now, in comparison with the quotations from the above letters, let me read to you from a letter received from the School Board of the City of Philadelphia, in the great Commonwealth of Pennsylvania:

"The Philadelphia Rapid Transit Company has made no concessions in rates whatsoever with regard to fares for school children."

I think it is high time that if the Public Utility Com-

mission of this State cannot within their jurisdiction take direct action with the Transportation Companies to secure such concessions for our school children, that it is up to this General Assembly to take drastic action and demand a reduction of fares. And—this will be done when this Bill passes both Houses and is signed by the Governor.

In every State concessions are made by the transportation company to school children and, I might add, that in every State the Utilities pay a school tax on their real estate that they do not pay in Pennsylvania. Certainly, in the millions of dollars they are saving by not paying their local real estate taxes for school purposes, they should be willing to give at least some assistance to our great educational system in Pennsylvania.

This move should have been made voluntarily by every street car company as well as every bus company without the necessity of an Act of Legislature. However, we have waited too long for them to become interested in our educational problem.

Let us show the people of Pennsylvania that at least the Members of this House are doing a little worrying over the future citizens of tomorrow—an put transportation within the reach of their pocketbooks.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Holland.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. HOLLAND. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, do I understand that this bill states that the Public Utility Commission may reduce the rates to school children?

Mr. HOLLAND. Mr. Speaker, will the gentleman allow me to look at the bill?

Mr. TURNER. Mr. Speaker, I withdraw by request to interrogate the gentleman from Allegheny.

Mr. Speaker, this bill provides that—

"All the public utilities now engaged in transportation of passengers for hire in this Commonwealth shall hereafter charge only half fares to all school children in using their facilities during such hours as the local school authorities shall designate."

Mr. Speaker, I do not want to debate the bill, but I do think it is important as far as this motion is concerned. I think all of us would like to see the school children get as low a rate as possible. I know in my own county on one line that I am familiar with, the line which runs from 69th Street to Media, they issue a book at lower rates, which I think a lot of companies do. But to say that they "shall", seems to me is unconstitutional. I do not think this bill would be constitutional, because we have a law providing for the regulation of utilities, the Public Utility Law. This would be taking property without due process of law. You cannot just say that a utility must cut a certain rate in half. In a rate-making proposition, that must be submitted to the Commission, it must hear the facts and upon those facts it must make its determination. When I first heard of the bill, I gave it very little consideration because I never thought it would even get out of Committee because of the unconstitutionality, as I see it, of the bill. Therefore, even if the bill should pass this House, I do not think it will get any place because of that fact.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Holland and Mr. Petrosky.

Messrs. Holland, Bentley and Yester asked for a verification of the roll. The roll was verified and was as follows:

YEAS—64

Achterman,	Gyger,	McClester,	Rooney,
Balthaser,	Habbyshaw,	McIntosh,	Rosenfeld,
Bentzel,	Haines,	McKinney,	Royer,
Bower,	Hall,	McMillen,	Scanlon,
Brunner, P. A.,	Hamilton,	Melchiorre,	Serrill,
Chervenak,	Hare,	Monks,	Snyder,
Cohen, R. E.,	Helm,	Muir,	Sorg,
Corrigan,	Huntley,	O'Brien,	Tarr,
Croop,	Kline,	O'Neill,	Taylor,
Dennison,	Kolankiewicz,	Owens,	Turner,
D'Ortona,	Lelsey,	Polen,	Van Allsburg,
Ely,	Levy,	Rank,	Wagner,
Finestone,	Leydie,	Readinger,	Welsh, E. B.,
Fiss,	Marks,	Reese, D. P.,	Wood, N.,
Foor,	Maxwell,	Rhea,	Young,
Gillan,	McClanaghan,	Riley,	Kilroy, Speaker.

NAYS—58

Baker,	Early,	Knoble,	Polaski,
Bentley,	Elliott,	Komorofski,	Powers,
Boles,	Flynn,	Krise,	Prosen,
Boney,	French,	Leonard,	Regan,
Bradley,	Gallagher,	Longo,	Reynolds,
Burns,	Gerard,	McDermott,	Rush,
Burris,	Goodwin,	McFall,	Shaffer,
Cochran,	Gryskewicz,	McLanahan,	Stine,
Cohen, M. M.,	Harkins,	McSurdy,	Tate,
Cook,	Heatherington,	Moran,	Verona,
Cordier,	Hersch,	Nagel,	Williams,
DiGenova,	Holland,	O'Mullen,	Wolf,
Dix,	Jefferson,	Petrosky,	Woodring,
Dolon,	Jones, P. N.,	Pettit,	Yester,
Duffy,	Kenehan,		

So the quuestion was determined in the affirmative and the motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

SENATE MESSAGES

AMENDED SENATE BILLS NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurrred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 507.

An Act to apportion the State into congressional districts.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 230.

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 2, line 4, by striking out after the word "tax" the words "at a reduced rate for a further limited period of time"; also in last line of title, by inserting after the word "time" the following: "exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act".

Amend Section 1, page 5, line 2, by striking out the word "three" and inserting in lieu thereof the word "four"; also on page 6, line 28, by striking out the word "three" and inserting "four"; also on page 7, line 4, by striking out the word "three" and inserting the word "four"; also in line 9, by inserting after the word "life" the word "casualty"; also on page 26, by inserting light faced brackets before and after the word "or" and inserting after the word "or" in said line the words "insurance companies casualty or"; also on page 32, line 26, by inserting light faced brackets before and after the word "and"; also in line 27, by striking out after the word "forty-one" the words "at the rate of four mills on each dollar of value and for the years"; also on page 33, by striking out after the word "hundred" the word "and"; also in line 2, by striking out after the word "forty-three" the words "at the rate of three mills on each dollar of value".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 234.

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hun-

dred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 25, by striking out after the word "thirty-nine" the word "and"; also in line 26 by inserting after the word "forty" the words "December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two"; also in line 29 by striking out after the word "thereof" the following: "For the calendar years ending December thirty-first one thousand nine hundred forty-one and December thirty-first one thousand nine hundred forty-two at the rate of seven mills upon each dollar of the actual value thereof"; also on page 3, line 19 by striking out after the word "mills" the words "or seven mills".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 663.

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Whereas Clause, page 1, line 3, by striking out "four hundred twenty-six million dollars (\$426,000,000)" and inserting in lieu thereof "four hundred thirteen million dollars (\$413,000,000)".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 645.

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 23, by inserting light-faced brackets before the word "when" and after the word "commissioners."

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 762.

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the word "section" and inserting in lieu thereof the words "sections eleven and"; also on page 2, line 6 of title, by inserting after the syllable "ties" the words "by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels"; also in line 7, by inserting after the word "for" the word "hunting"; also in same line by inserting after the word "trials" the words "and dog shows and requiring keepers of kennels to maintain certain records."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the word "Section" and inserting in lieu thereof the words "Sections eleven and" also on page 3, line 4, by inserting after the figure "833)" the following:

On the question,

Will the House concur in the amendments made by the Senate?

"and as last amended by section three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 456) are hereby further amended to read as follows

Section 11 Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the Department of Revenue or to the county treasurer for a kennel certificate entitling him to keep or operate such kennel The certificate shall describe the premises where the kennel is located and the actual number of dogs which are permitted to be kept within the kennel Such certificates shall be issued by the Department of Revenue or by the county treasurer on a form prepared and supplied by the Department of Revenue and shall entitle the person to keep any number of dogs six months old or over not at any time exceeding a certain number to be specified in the certificate The fee to be paid for each kennel certificate shall be ten dollars for ten dogs or less and twenty dollars for more than ten dogs permitted to be kept under the kennel certificates If the license is issued by the county treasurer the applicant shall also pay an additional fee of ten cents for the services of the county treasurer in issuing recording and reporting said kennel certificate to the Department of Revenue and remitting the license fee to the State Treasurer through the Department of Revenue With each kennel certificate the Department of Revenue or the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel All such tags shall bear the name of the county where it is issued the number of kennel certificate and shall be readily distinguishable from the individual license tags for the same year

Section 12 The licensee of a kennel shall keep one of such tags attached to a collar on each dog six months old or over kept by him under a kennel certificate when and during such time as such dog is without the kennel Such tags may be transferred from one dog to another whenever any dog is removed from the kennel.

also on same page, line 5, by striking out after the word "kept" the word "in" and inserting in lieu thereof the word "under"; also by inserting after the word "kennel" the word "certificate"; also in line 9, by inserting after the word "of" the word "hunting"; also in line 10, by inserting after the word "trials" the following:

"and dog shows Every keeper of a kennel shall keep a permanent record of each dog at any time kept in the kennel Such record shall show (1) the breed color markings sex and age of each dog (2) the date on which each dog entered the kennel (3) where it came from (4) to whom it belongs (5) for what purpose each dog is kept in the kennel (6) the date on which each dog leaves the kennel (7) how and to whom it is disposed of Such record

shall be open to inspection by any police officer or agent of the Department of Revenue Agriculture or Game Commission."

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, nestled in the heart of Lackawanna county, adjacent to the fair city of Scranton, is the Borough of Dunmore. This borough is composed of a great number of decent thinking and decent living citizens. They have been unfortunately plagued in selecting to represent them on their school board a group of men who have mismanaged and misconducted and produced a financial mess in the affairs of that school district.

For some time both the Democratic and the Republican newspapers of Lackawanna County have exposed the conditions prevalent in the affairs of the Dunmore School Board. Pictures have been printed in the newspapers showing that among the purchases of equipment for the various schools was a pile of beer coils. Allegations have been made of misconduct, of bankruptcy and other mismanagement in the affairs of the Dunmore School Board. Now, because of these allegations and because of the printing of these things in the newspapers, a group of taxpayers of Dunmore requested the school board to allow them to conduct an impartial audit of the financial affairs of the Dunmore School District. This, they were refused. Accordingly, they went to the courts of Lackawanna County and secured a court order, issued by Judge Leach one week ago, in which the Court instructed the Dunmore School district to allow an impartial audit by a public accountant of the financial affairs of the school board. Immediately after this Court order was issued the directors of the Dunmore school district brought their body to the Department of Public Instruction at Harrisburg, and appealed the Court order of Judge Leach on the basis of the fact that they were attempting to get an emergency grant from the Department of Public Instruction to carry on their affairs. This appeal to the Supreme Court will defeat the efforts of the taxpayers of Dunmore to secure a fair and impartial audit of their affairs. Accordingly, by this subterfuge the people have no way, except perhaps by a legislative investigation, of finding out what is wrong in the Dunmore School district. Accordingly, I have been requested and I intend to present a resolution to this House calling for a complete investigation of the affairs of that school district.

Mr. Speaker, I believe you may have on your desk a letter from these same school directors who welcome in that letter this impartial investigation. However, in that letter, I am informed by newspaper items in this morning's Scranton paper, if this investigation goes on, it will hamper the request of the Dunmore School District for this emergency grant. Accordingly, I have contacted

Dr. Haas the Superintendent of Public Instruction, who informed me he completed his investigation, insofar as the request for the emergency grant is concerned, over a week ago. There is no necessity for the books of Dunmore School District being in Harrisburg at this time. He did not request them and there is no need for them. In my opinion it is only an attempt at further stalling and an attempt to reduce the possibility of the taxpayers of Dunmore getting the truth insofar as the conduct of the members of their school district is concerned.

I say, Mr. Speaker, in presenting this resolution it is not conceived in politics. It is being presented for the simple reason of finding out the truth of what is happening in the affairs of the Dunmore school district.

Mr. Speaker, I ask the indulgence of the House while I read an editorial from the Scranton Tribune of May 28, which is headed "A Last Laugh." The editorial then goes on as follows:

"The decent citizens of the Borough of Dunmore are entitled to some measure of sympathy—in the fantastic situation into which they have been thrust by their own elected school directors.

'For weeks and weeks past a group of these citizens has been endeavoring to ascertain the true fiscal condition of their school district through an examination of the district's so-called public records. They have been rebuffed, refused and, in political parlance, given the "run around." Finally, reaching a point of distraction, they resorted to the courts to obtain a right which is inherently theirs and which in practically every other municipality would be granted without question.

"Now, after successfully establishing that right in one court they find they are subjected to further delay by reason of legal technicalities raised by their public servants through an appeal to the state's highest court. This may conceivably restrain the taxpayers another six months.

"Isn't it only natural in view of the ducking and dodging practiced by Dunmore's school directors to ask, What are they hiding?

"It is a known fact that the Dunmore school district under the political management which has been in control of it for many years back is a bankrupted wreck.

"It is also known that its affairs have been conducted in anything but a businesslike manner. Its present directors are forever attempting to explain away situations in which no well-regulated body would have become involved. In the past its former directors, have been hauled into court and fired from their positions. But even that has not cleaned up the dirty mess which is Dunmore's school management.

"It's a job for the decent citizens of the borough. That is why we say they have not been entirely blameless. They either elected, or by their negligence allowed to be elected, the motley crew which is now laughing up its collective sleeve at the very people whom it took an oath to serve.

"There is a chance for a last laugh. But it will come only if an intelligently-informed, united, decent citizenry goes to the polls in Dunmore."

I also desire to quote from the issue of the Scranton Tribune under date of May 28th as follows:

"Reports that Judge William R. Lewis will be requested to direct a Grand Jury investigation into the affairs of Dunmore School District were confirmed last night by Mrs. Genevieve Noone, secretary, Dunmore Taxpayers' Association.

"This climaxed a day of fast moving developments following the school board's appeal to the State Supreme Court from a mandamus writ authorizing ac-

countants of the taxpayers' association to inspect the board's books.

"While the board rested behind a probable three-month respite before the appellate tribunal acts on its appeal, the taxpayers' leaders moved to force a showdown and decided to request the Grand Jury probe."

I desire at this time to also quote from the issue of the Scranton Times under date of May 29th the following article:

"The directors, in a statement issued last night, a copy of which has been sent to Speaker Elmer Kilroy, State House of Representatives, said, in part:

"As to Mr. Cordier's resolution in the Legislature we are forwarding a copy of this statement to Elmer Kilroy, Esq., Speaker of the House of Representatives at Harrisburg, with the request that it be read to that body at the same time as his resolution; that we hereby advise that body that we invite and welcome any impartial and non-political investigation made with a proper motive and will cooperate to the fullest with any such committee appointed'."

There were editorials in the Democratic newspapers of Scranton along the same vein, which I do not now have in my possession. Mr. Speaker, insofar as forestalling the granting of an emergency grant is concerned, I charge that it is a further subterfuge in the attempt to stop the people of Dunmore from getting the truth, because I am reliably informed that the same school district went many months ago to the Department of Public Instruction for an emergency grant and it was refused them because of the fact that they refused to accede to the requests and to the rules and regulations of the Department of Public Instruction. They continued to load up the school district with additional maintenance employes and further contributed to the cost of operation of that school district.

Mr. Speaker, it is not my intention to take up too much time of the House, but in presenting this resolution I respectfully urge that this is the court of last resort that the citizens of Dunmore have in their attempt to get at the truth of what is happening in the Dunmore School District. If the resolution that I present does not prevail the taxpayers of Lackawanna County may construe it as a further whitewash and as an aid to the subterfuge now resorted to in desperation by the Dunmore School Board who have violated by every form of trickery, chicanery and deceit the efforts of the taxpayers of Dunmore to learn the simple truth as to what this discredited school board has been doing.

Mr. Speaker, there is something rotten in Dunmore which the decent citizens are seeking to eradicate. They are looking with anxious eyes to this General Assembly to give them relief.

Mr. Speaker, I offer the resolution to which I referred.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

PERMISSION TO ADDRESS HOUSE

Mr. KENEHAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I ask the consent of the House to read an article appearing in the Scranton Tribune under the date of May 29th. The article is headed, "Dunmore's Board Welcomes Probe." The article goes on as follows:

Dunmore's majority school directors last night invited a legislative probe into their financial affairs

and urged the investigation be expanded to include an inquiry into the activities of Rep. Robert Cordier, whom they charge with blocking their attempt to get a special state grant to pay Dunmore's teachers.

Representative Cordier yesterday at Harrisburg announced his intention to sponsor a resolution asking for a probe into "the entire matter" of the district's fiscal affairs. It followed Mrs. Genevieve Noone's announcement that the Dunmore Taxpayers' Association is considering a grand jury inquiry.

The directors, in a statement issued last night, a copy of which has been sent to Speaker Elmer Kilroy, State House of Representatives, said, in part:

Copy Sent to Kilroy

"As to Mr. Cordier's resolution in the Legislature we are forwarding a copy of this statement to Elmer Kilroy, Esq., Speaker of the House of Representatives at Harrisburg, with the request that it be read to that body at the same time as his resolution; that we hereby advise that body that we invite and welcome any impartial and non-political investigation made with a proper motive and will cooperate to the fullest with any such committee appointed; that we further request that the scope of any such inquiry be widened to include an investigation of the actions, motives and purposes of Representative Cordier in hindering the receipt of state funds for teachers salaries by a school district not located in his own Legislative district, and whether or not the same constitutes an effort on his part to make such financial aid a political issue."

Although they were quick to respond to Representative Cordier's attack, in which he characterized the board's appeal as "subterfuge to defeat the will of the court," the directors held continued silence concerning a grand jury investigation and the attempts of the taxpayers' association to inspect their books.

Charles Waters, Supreme Court prothonotary, yesterday was quoted as reporting that he received the board's appeal from President Judge Will Leach's mandamus writ by mail. However, Attorney George Morrow, taxpayers' counsel, has not received any formal notice of the action, it was learned.

Doesn't Need Records

Representative Cordier yesterday quoted Dr. Francis B. Haas, state superintendent of public instruction, as repeating his previous contention that his departure has no need of the Dunmore records, as claimed by the directors.

He also quoted Dr. Haas as saying that because of "happenings in Dunmore," the state department will move slowly in passing on the board's request for a \$45,000 grant from the special \$500,000 fund voted recently by the Legislature.

The board last night accused the legislator of blocking the board's first application last February and charged the department of public instruction with refusing to take action on the application upon Representative Cordier's request.

I request the Speaker to read the resolution.

QUESTION OF INQUIRY

Mr. CORDIER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman from Lackawanna will state his question of inquiry.

Mr. CORDIER. Mr. Speaker, what resolution is to be read to the House?

Mr. KENEHAN. Mr. Speaker, the resolution that was sent by the Dunmore School Board to the Speaker of the House.

The SPEAKER. For the information of the gentleman

from Lackawanna, Mr. Kenehan, a resolution presented by the Dunmore School Board is not read when presented. Such resolutions are referred to appropriate committees under the rules of the House.

Mr. KENEHAN. Mr. Speaker, I withdraw my request.

PERMISSION TO ADDRESS HOUSE

Mr. CORDIER asked and obtained unanimous consent to address the House.

Mr. Speaker, I don't know whether all the Members of the House were listening to my previous remarks, but in them I stated specifically that the Speaker was in possession of a letter and a resolution sent by the Dunmore school district, and I presume, judging from the reports contained in the newspapers of Scranton, in that resolution they stated they welcomed an impartial investigation but that they thought the investigation would impair their request for an emergency grant from the Department of Public Instruction. Accordingly, I further stated that I contacted the Department of Public Instruction and Dr. Haas informed me that he was through with his investigation of the Dunmore school district insofar as the request for an emergency grant was concerned; that at no time did he request the Dunmore school district to bring their books and records to Harrisburg, so that this request for an investigation of the affairs of the Dunmore school district by a committee of the House will in no way stop or hinder their request for an emergency grant. All the people of Dunmore want to know is the simple truth as to what is happening in the affairs of the school district.

BILL ON THIRD READING

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. McLANAHAN.

The House resumed the consideration on third reading of House Bill No. 1070, as follows:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery stores or hotels from encouraging or permitting gambling and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Penalty for Encouraging Gambling If any owner of a restaurant pool room bowling alley confectionery store barber shop grocery store or hotel shall incite promote or encourage any game of address hazard horsing or any playing betting or gaming for money or other things of value whatsoever either by cards dice billiards bowls shuffle boards or any game or device in any other manner shall upon conviction before any justice of the peace in same municipality pay a fine of fifty dollars (\$50.00) for the first offense or in default thereof be imprisoned for a period of not less than fifteen (15) days nor more than thirty (30) days and for any other subsequent conviction shall pay a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) and in default of the payment thereof shall be imprisoned for a period of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 2 Penalty for Permitting Gambling If such person shall permit and allow any kind of game of address or hazard or any playing betting or gaming for money or other valuable things of value whatsoever either of cards dice billiards bowls shuffle boards or any game or device in any other manner to be practiced

played or carried on within his or her dwelling house outhouse shed or other place in his or her occupancy such person shall upon conviction before any justice of the peace in the same municipality pay a fine of fifty dollars (\$50.00) for the first offense or in default thereof be imprisoned for a period of thirty (30) days and for any subsequent conviction shall pay a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) and in default of the payment any subsequent conviction shall pay a fine of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 3 Sections eighteen and nineteen of the act approved the eleventh day of March one thousand nine hundred and thirty-four (P. L. 117) entitled "An act relating to inns taverns and retailers of vinous and spirituous liquors" are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question recurring,

Will the House agree to the bill on third reading?

Mr. McLANAHAN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 1, page 1, line 8, by inserting before the word "conviction" the following: "summary".

Amend Section 1, page 1, lines 9 and 10, by striking out the words and figures "fifty dollars (\$50.00)" and inserting in lieu thereof the following: "fifteen dollars (\$15.00)".

Amend section 1, page 2, line 3, by striking out the words and figures "one hundred dollars (\$100.00)" and inserting in lieu thereof the following: "fifty dollars (\$50.00)".

Amend section 2, page 2, lines 20 and 21, by striking out the words and figures "one hundred dollars (\$100.00)" and inserting in lieu thereof the following: "fifty dollars (\$50.00)".

Amend section 3, page 2, line 27, by striking out the word "nine" and inserting in lieu thereof the word: "eight".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

CONGRATULATORY RESOLUTION

Mr. PRESLEY N. JONES offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, May 29, 1941.

Whereas, This day marks the 40th wedding anniversary of the Honorable George T. Weingartner and Anna Hazen Weingartner, his wife; and

Whereas, During those two score years of happy married life, Mr. Weingartner, in addition to devoting his time to the practice of Law and banking, was a Member of this House from 1904 to 1908, a Member of the Senate from 1908 to 1912 and from 1924 to 1932, and is now once again a Member of this House from the 2nd Legislative District of Lawrence County, of which he and Mrs. Weingartner have been lifelong residents; and

Whereas, During this same period, Mrs. Weingartner by her indomitable will and courage fostered a fine appreciation of the values of democracy in their four children, which has likewise been inculcated in their three grandchildren; and Whereas, The successful course of human progress depends to a great extent upon the success of the family life of our citizens; and

Whereas, Mr. and Mrs. Weingartner have contributed so much to this progress; therefore be it

Resolved, That the House of Representatives congratulates the Honorable George T. Weingartner and Anna Hazen Weingartner, his wife, on this the 40th anniversary of their marriage, and by this resolution, wish them continued success, health and happiness for many years to come; and be it further

Resolved, That the Chief Clerk of the House of Representatives prepare and deliver a certified copy of this resolution to the Honorable George T. Weingartner and his wife, Anna Hazen Weingartner.

PERMISSION TO ADDRESS HOUSE

Mr. ELLWOOD B. WELSH asked and obtained unanimous consent to address the House.

Mr. Speaker, a couple days ago the distinguished gentleman from Delaware, indicted one of the newspaper men at the bar of this House, and one of those who was appointed to represent that man stepped before the microphone in the middle of the House smoking a pipe. It seems to me from that point on I began to notice that the pipe smokers of the Democratic side were increasing. Only this morning we saw Mr. O'Mullen of Philadelphia and Mr. Boney walk into the House smoking pipes. Pipe smokers, of course, are old in this House. One of them was Mr. Turner, the gentleman from Delaware who occasionally indulges in pipe smoking. In the newspaper field we have Hi Andrews who always puzzled me by carrying a large cork around in his vest pocket. I never could determine what that cork was for until one day down at this very spot I noticed Mr. Andrews proceeded to clean his pipe and he started to take this cork out of his pocket. In this cork was a sharp instrument which he carried around for the purpose of keeping his pipe clean. We in Subsection 523, or whatever our number is in the rear of the House, are considerably troubled by one of the Members of the House smoking a corn cob pipe day after day. He comes before us puffing away on that pipe, and it seems to me we are well informed when we are told he buys his pipes wholesale. It happened however that this morning he came in here smoking an old briar pipe. The pipe itself was no prize.

In order that the gentleman may continue to enjoy smoking his pipe as he has in the past I take great pleasure, Mr. Speaker, this morning in presenting him with this pipe. It is a distinguished looking pipe inasmuch as it holds about three times the amount of tobacco that his present pipe holds. I hope, Mr. Speaker, this gentleman, Mr. McClanaghan of Philadelphia, will enjoy this pipe to the fullest extent.

It seems to me pipe smokers are doing a grave injustice to us cigarette smokers inasmuch as they are evading the tax, because every time we light up and smoke a cigarette, we are paying a portion of that extra two cents in taxes, but the pipe smoker does not do that. I want Mr. McClanaghan to have this pipe so that he may live long and play an important part in this House.

The SPEAKER. For the information of the gentleman

from Philadelphia, Mr. Welsh, a pipe is a pipe whether it is a gas pipe, a corn-cob pipe, or the turnpike.

The Chair recognizes the gentleman from Philadelphia, Mr. McClanaghan. "Pipe up" now.

Mr. McCLANAGHAN. Mr. Speaker, it is with great pleasure that I accept this token from Mr. Welsh, and if he will move his chair out in the aisle and give me room I will be pleased to smoke the pipe.

QUESTION OF PERSONAL PRIVILEGE

Mr. EARLY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Northampton will state his question of personal privilege.

Mr. EARLY. Mr. Speaker, on page 1620 of the Legislative Journal, in considering House Bill 1157 I am recorded as "aye". I voted "no" on that bill and I would like to be so recorded.

REPORT FROM COMMITTEE

Mr. GRYSKEWICZ, from the Committee on Mines and Mining, reported as committed, House Bill No. 1462, entitled:

An Act to regulate the locating, drilling, casing, filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds, having for its object the protection of life and property, by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties.

RECESS

The SPEAKER. There are a number of communications in the Senate upon which the House must act when they are received. The Chair would request the members to remain until we adjourn.

If there is no objection the Chair will declare a recess for fifteen minutes.

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Monroe, Mr. Achterman, and address the House afterwards. I am willing to do so before recess or afterwards. I will leave it to the Chair to determine.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, strange to say the gentleman from Delaware, Mr. Turner, seems to be hungry and has suggested that perhaps some of the other Members also are hungry and that it would be a good idea to recess now and take up this interrogation later. It is satisfactory to me if the Chair wishes to do it in that way.

Mr. HUNTLEY. Mr. Speaker, the floor leader lives in Harrisburg and he can stay here all afternoon. I think we should go on.

Mr. WOODSIDE. Since the House is waiting for the Senate to act on the appropriation bill for relief, it is likely we will be here for some considerable length of time.

The SPEAKER. That is correct.

Mr. WOODSIDE. Mr. Speaker, the question of recess will have nothing to do with the time when we are likely to adjourn.

The SPEAKER. That is correct. The House must await

the Senate's action on the relief bill.

Mr. BAKER. Mr. Speaker, the excuse of the gentleman from Dauphin, Mr. Woodside, that Mr. Turner is hungry, I just cannot believe that because he does not look hungry.

Mr. TURNER. Mr. Speaker, you ought to see that fellow Baker eat.

Mr. HUNTLEY. Mr. Speaker, I rise to object to taking a recess now and suggest that we permit the minority leader to use that time to address the House. There is no use killing this time because somebody wants to eat. I think we ought to go ahead. If the minority floor leader wants to question the majority floor leader and then address the House, I think this is a good time to do it. Some of the Members here must go many miles to get home this afternoon.

The SPEAKER. For the information of the gentleman, we cannot adjourn until we receive certain communications from the Senate.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I shall, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I should like to ask the gentleman from Delaware, Mr. Turner, whether or not he has a supply of popcorn downstairs for the Members.

Mr. TURNER. Mr. Speaker, a supply of popcorn is not in my line.

Mr. REUBEN E. COHEN. Mr. Speaker, the gentleman from Delaware spoke with a great deal of authority yesterday, if I remember correctly, on the subject of popcorn and butter that was put on it.

Mr. TURNER. Mr. Speaker, the gentleman is off again. He never gets things straight. That was cheese I was talking about.

Mr. REUBEN E. COHEN. Mr. Speaker, cheese is a form of butter. If the rodents didn't get the cheese, I think the gentleman from Delaware ought to give us popcorn, plain or otherwise.

Mr. TURNER. Mr. Speaker, the statement is still cheese.

Mr. REUBEN E. COHEN. Mr. Speaker, no matter how thin you slice it, it is still cheese.

Mr. WOLF. Mr. Speaker, you were talking about pipes a while ago, so I suggest we all pipe down while Mr. Turner and Mr. Kilroy eat their lunches.

Mr. TURNER. Mr. Speaker, the gentleman from Dauphin said he could make his statement either before or after the recess. If we are going to have a recess I thought this would be a convenient time to have it, and I thought we would all enjoy his statement much better after we have a little something in the boiler. That was my reason for suggesting it. If it inconveniences the gentleman from Cambria, Mr. Huntley, to stay and have this recess, I don't know why it is he says he wants to go home—I don't think he is going any place when he does start out, and therefore he might as well stay here along with the rest of us.

The SPEAKER. The Chair would inform the gentleman from Cambria, Mr. Huntley, there is going to be a big parade in town tomorrow and he might as well stay and see it.

PERMISSION TO ADDRESS HOUSE

Mr. HUNTLEY asked and obtained unanimous consent to address the House.

Mr. Speaker, I do not like to ask for unanimous consent to address the House. That is something I never did in my life before, so I do not think I will address the House. You all know what my opinion is. While we are taking this recess, the minority floor leader could be speaking and then we could get out earlier.

Mr. TURNER. Mr. Speaker, while all this conversation is going on, we could have had the recess.

Mr. HUNTLEY. Go and eat. I don't care, Mr. Speaker.

Mr. BAKER. Mr. Speaker, if the minority floor leader would not detain the Senators, we probably could get them to work and get us through.

The SPEAKER. Is there a Senator in the House?

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1016. (House Bill No. 1752).

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America which are signatories thereto.

Referred to the Committee on State Government.

SENATE BILL No. 1025. (House Bill No. 1753).

An Act to amend the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 62) entitled "An act to amend section two of the act approved the eleventh day of April one thousand nine hundred twenty-nine (Pamphlet Laws four hundred eighty-seven) entitled 'An act authorizing the Department of Welfare to determine the legal residence of indigent insane feeble-minded and epileptic persons returned to this Commonwealth by the authorities of another State or transferred from one poor district to another by the department and requiring the proper district to pay the cost of the care and treatment of such persons in accordance with the laws relating to indigent insane persons' by relieving poor districts of certain costs and placing such costs on the Commonwealth" as amended by deferring the operation of the act for a further period of time.

Referred to the Committee on Welfare.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 1:30 p. m. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

RONALD L. THOMPSON for himself for the remainder of the day.

SENATE MESSAGE

AMENDED SENATE BILL NONCONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows:

SENATE BILL No. 1004.

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to ask unanimous consent to address the House and at the same time to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to know from the gentleman from Monroe where in his budget he has listed the deficiency appropriations, and I call his particular attention to the deficiency appropriation bill which was passed by this House. The original amount was \$4,900,000. That item is not accurate to the dollar, but it is somewhere in that neighborhood at the present time.

Mr. ACHTERMAN. Mr. Speaker, we listed our deficiency appropriations the same as the Governor listed his: "As I have already explained, if an additional appropriation is necessary for this biennium, the amount will have to be taken from the \$131,390,000." Perhaps we have used the same kind of twisting that the Governor used.

Mr. WOODSIDE. Mr. Speaker, I am glad that the gentleman admits that he is twisted in the budget because I certainly know that he is. I am glad he is willing to admit it. I take it from the gentleman they have deliberately omitted that item from the budget in order to trick the public, and give as the excuse that the Governor did so in his budget, which, of course, is not true because it is in his budget.

Mr. ACHTERMAN. Mr. Speaker, I presume the interrogation is on?

The SPEAKER. That is correct.

Mr. ACHTERMAN. Mr. Speaker, may I say that the Governor has not included it in his budget. I ask the gentleman to point out where the \$6,300,000 is taken care of in their budget.

Mr. WOODSIDE. Mr. Speaker, I am not talking about the \$6,300,000.

Mr. ACHTERMAN. I am, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I am talking about the deficiency appropriation of \$4,900,000.

Mr. ACHTERMAN. Mr. Speaker, I am speaking of the \$6,300,000.

Mr. WOODSIDE. All right, Mr. Speaker, I am going to answer the gentleman on that in one minute, but before doing so I would like to know whether he has included the item of \$2,150,000 postponed payment of Veterans' Bonds in his budget figures.

Mr. ACHTERMAN. I believe, Mr. Speaker, it is possibly included in the \$70,000,000 although I am not certain at the moment.

Mr. WOODSIDE. Mr. Speaker, is the gentleman from Monroe able to tell me now whether that is included in the \$70,000,000?

Mr. ACHTERMAN. No. Mr. Speaker, I haven't the figures.

Mr. WOODSIDE. Mr. Speaker, I know it is not, but I would be glad to have the gentleman check the figures and find out for himself.

Mr. ACHTERMAN. May I ask, Mr. Speaker, whether those are the last borrowings?

Mr. WOODSIDE. Mr. Speaker, that is the item which was used along with a transfer to make up the \$6,300,000, which was appropriated for relief in this biennium.

Mr. ACHTERMAN. Mr. Speaker, then I can answer the gentleman we treated it in the same manner in which the Governor treated his last borrowings.

Mr. WOODSIDE. Mr. Speaker, did the gentleman make any reference to it in his remarks, either in the budget or in his remarks to this House?

Mr. ACHTERMAN. Mr. Speaker, there is no reference to it except the reference I am now making, in the Governor's address to the House.

Mr. WOODSIDE. Mr. Speaker, that was totally ignored by the gentleman from Monroe in presenting his budget this week, was it not?

Mr. ACHTERMAN. That is not correct, Mr. Speaker. It was not totally ignored, it was treated in the same manner in which the Governor treated future borrowings.

Mr. WOODSIDE. Mr. Speaker, the gentleman knows that it was an item which developed after the Governor's budget was given out.

Mr. ACHTERMAN. Mr. Speaker, it was also an item that was anticipated or expected, otherwise I presume he would not have mentioned it in his budget message.

Mr. WOODSIDE. Mr. Speaker, he did make reference to it in his budget message.

Mr. ACHTERMAN. Mr. Speaker, he made reference to possible future borrowings, yes.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Monroe did take into consideration, however, in arriving at the sum of \$70,100,000 item, the transfer of that \$6,300,000 appropriation?

Mr. ACHTERMAN. I didn't get the question, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, let me go over the facts. We made an appropriation of \$6,300,000 for relief to the end of this biennium. That was the last appropriation made this biennium for relief.

Of that amount \$2,150,000 was realized from the postponed payments to the Veteran's fund, and the balance was realized by a transfer from the Motor Fund. Now, in arriving at that figure of \$7,100,000 the gentleman from Monroe used the balance which was transferred from the Motor Fund, and he has that item set up in his budget, but the other item which is of equal importance,

in the sum of \$2,150,000, postponed payment to the Veterans he does not set up in his budget.

Mr. ACHTERMAN. Mr. Speaker, we treated it in the same matter as the Governor treated it. In other words, there is no difference in the treatment of that particular fund or borrowing; we treated it the same.

Mr. WOODSIDE. Mr. Speaker, by "treating it the same" the gentleman means it is not in his budget, does he not?

Mr. ACHTERMAN. Mr. Speaker, it is just as much in the budget as the Governor's.

Mr. WOODSIDE. Mr. Speaker, where is there any mention or any reference either in the gentleman's speech or in his budget to the item?

Mr. ACHTERMAN. Mr. Speaker, in the same place that you will find it in the Governor's.

Mr. WOODSIDE. But, Mr. Speaker, the Governor made reference to that in his speech.

Mr. ACHTERMAN. Mr. Speaker, I know he did not.

Mr. WOODSIDE. Mr. Speaker, he made reference to the possibility.

Mr. ACHTERMAN. Mr. Speaker, I presume he contemplated it.

Mr. WOODSIDE. Mr. Speaker, he made mention of that contemplation. The budget of the gentleman from Monroe is supposed to be based on relief up to this time, is it not?

Mr. ACHTERMAN. Mr. Speaker, we tried to count on the Governor to make the budget. To a large extent we left it up to him to point the way and we followed it.

Mr. WOODSIDE. Mr. Speaker, but the gentleman has totally ignored the \$2,150,000 item in his budget, has he not?

Mr. ACHTERMAN. I have not ignored it, Mr. Speaker. I treated it in the same manner which the Governor treated it.

Mr. WOODSIDE. Mr. Speaker, does the gentleman say the Governor ignored it?

Mr. ACHTERMAN. Mr. Speaker, if the gentleman from Dauphin wishes to say that.

Mr. WOODSIDE. And, Mr. Speaker, the gentleman from Monroe ignored it, too.

Mr. ACHTERMAN. Mr. Speaker, we treated it as something payable out of relief just as the Governor did.

Mr. WOODSIDE. Mr. Speaker, but the gentleman did not reduce the appropriation for relief?

Mr. ACHTERMAN. Neither did the Governor, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, it was the Governor's recommendation which made that necessary.

Mr. ACHTERMAN. No, Mr. Speaker, it was not.

Mr. WOODSIDE. Mr. Speaker, if the gentleman will refer to the Governor's speech, he will find there was an \$11,000,000 cushion and in his speech he said the cushion may not be in existence at the time when the final appropriation would be made and therefore the appropriation for relief for the next biennium would have to be reduced. That is in the budget message.

Mr. ACHTERMAN. Mr. Speaker, unfortunately the Governor did not state that. He just stated that the amount will have to be taken from the \$131,390,000.

Mr. WOODSIDE. Mr. Speaker, isn't that saying it? There is one other thing—

Mr. ACHTERMAN. Mr. Speaker, may I supplement that by saying that that follows immediately after "I

recommend that you make this appropriation of \$131,390,000 for public assistance." The next sentence refers to it in the same place—

Mr. WOODSIDE. Mr. Speaker, the gentleman is willing to admit now, I think, that there is not now available even under his budget the sum of \$131,000,000 for relief, is that correct?

Mr. ACHTERMAN. Mr. Speaker, in relation to relief our position is the same.

Mr. WOODSIDE. Mr. Speaker, I did not ask the gentleman what his position was. I am asking him whether he admits that there is not now available \$131,000,000 for relief.

Mr. ACHTERMAN. Mr. Speaker, either under the Governor's budget or ours.

Mr. WOODSIDE. Mr. Speaker, does the gentleman realize that the actual amounts of revenue realized during this biennium have not equalled the estimates?

Mr. ACHTERMAN. Mr. Speaker, I do not have at the present moment the totals, although I have more or less figures indicating the receipts generally for the different tax subjects. If the gentleman is asking me whether I have the complete totals at the present moment, the answer is no.

Mr. WOODSIDE. Mr. Speaker, the gentleman has totally disregarded in his budget any shortage of revenues which existed during this biennium, has he not?

Mr. ACHTERMAN. Mr. Speaker, we still don't know whether there is any shortage of revenues.

Mr. WOODSIDE. Mr. Speaker, I can advise the gentleman that there is. He told me a month ago there is, and I can advise him now that there is. It is compatible with the figure which he gave us, only a little lower.

Mr. ACHTERMAN. Mr. Speaker, was that at the time the gentleman from Dauphin denied there was going to be any such shortage?

Mr. WOODSIDE. Mr. Speaker, I denied that there was going to be a 90 million dollar deficit.

Mr. ACHTERMAN. Mr. Speaker, is the gentleman prepared to tell me what the deficit is now?

Mr. WOODSIDE. Mr. Speaker, I can go into a discussion with the gentleman on that, and I will be glad to do so a little later on. The gentleman has totally disregarded it in his budget, has he not?

Mr. ACHTERMAN. No, Mr. Speaker, we have not disregarded it.

Mr. WOODSIDE. Mr. Speaker, the gentleman from Monroe disregarded the shortage of revenue, did he not?

Mr. ACHTERMAN. Mr. Speaker, we treated the entire problem the same as the Governor did on that subject.

Mr. WOODSIDE. In other words, after four months and within one week of the end of the biennium, the gentleman made no use of the information which everybody in the Commonwealth of Pennsylvania had between the date when the budget was submitted by the Governor and the date when the gentleman submitted his so-called budget.

Mr. ACHTERMAN. Mr. Speaker, I assumed from the information which I received, and I think we received it on the floor of this House, as to the extraordinary efforts being made by, I believe, the Department of Revenue, at least some agency of the government, to collect every possible dollar, a more or less definite assurance that our thoughts in relation to a deficit were definitely

wrong, and we would find out by the end of the biennium that we were in error. We received all those deficits in taxes from the minority and we treated them at one hundred per cent face value, that their party was going to do what they said they were going to do.

Mr. WOODSIDE. Mr. Speaker, there were never any remarks made in the entire session to the effect that the amount of revenue realized would equal the amount of the estimate. As a matter of fact the gentleman from Monroe knows that he and I argued that on the floor of the House in reference to the estimate, starting with the gasoline tax and all of the other taxes, and on down the list and pointed out that the total to be realized during this biennium would be less than the estimate, in other words there would be a deficiency in the amount. I argued that question with the gentleman from Monroe. I asked the gentleman what he used in making up his estimate of revenue.

Mr. ACHTERMAN. Mr. Speaker, I disagree with the gentleman.

Mr. WOODSIDE. That is all the interrogation I have, Mr. Speaker.

Last Monday night, less than one week before the end of the biennium, the gentleman from Monroe, Mr. Achterman, presented to this House what the Democrats call, "their budget." One hundred and twelve days before the Governor had submitted to the Legislature his budgetary recommendations. The Democratic Party in submitting this so-called budget has exhibited a unique right about face.

Since the advent of the James Administration the New Deal Party had attacked the James Administration for not increasing taxes. During the 1939 Session the Governor was maligned because an additional tax burden was not imposed upon the people of Pennsylvania. During the Special Session of 1940, again the Democratic Party urged, in no uncertain terms, the imposition of additional taxes. The policy of the New Deal Party during the years 1939 and 1940 is so ably set forth by their Floor Leader in an address made before this House on May 9, 1940, that I desire to quote from it at considerable length.

"I think," said Mr. Cohen, "everything that I could have said has been said not only in this session but very peculiarly was said at the general session in 1939. At that time if you will refer to my comments and the comments of the minority on the general appropriation bill and the tax program as instituted by the James Administration, I pleaded with the membership of this House as their solemn duty and responsibility to the people of the Commonwealth of Pennsylvania . . . was to raise additional revenue, just as the problem today is the very same thing."

"At the 1939 session, the membership of this House had neither the originality or the desire to impose taxes. Today our problem is the same as it was in 1939, and today the only solution given by the majority is the same as that given in 1939. . . . I am thinking of the responsibility that you are taking off your own shoulders and placing upon the shoulders of the men who will be in this House in 1941, and I am thinking of the problems that the men who follow us will have to meet. I am thinking of the fact that when they come back in 1941, every available sum, every available security, every available penny, every available resource of the Com-

monwealth of Pennsylvania will have been placed in pawn."

Now listen to the Democratic solution in May of 1940.

"I say," continues Mr. Cohen, "that we have a solution, and a good solution. Let this session of the Legislature adjourn, let the Governor immediately issue a new call and include in that call all the necessary methods for the raising of revenues to save the Commonwealth of Pennsylvania."

When the Governor delivered his speech on February 3rd, the gentleman from Monroe gave his famous, "faith, hope and charity" speech, in which he ridiculed the Governor for submitting a budget based upon the hope of increased revenue, making impossible the balancing of the budget—a hope which the gentleman indicated was not justified.

When the tax bills were reported from Committee on February 10th, the position of the Democratic Party in the House was still consistent with their attitude in 1939 and 1940. When the bills were reported from Committee there was no indication and no intention on the part of the Committee, or on the part of the Democratic leaders of this House that those bills would be returned to the Committee after second reading.

The leadership of this House realized then, as they must now, that in order to have a balanced budget taxes could not be reduced and the mental hospitals could not be taken over. I believe they were making an effort to meet the situation fairly and honestly, and would have passed the tax bills during the month of February. If they had we would have long since adjourned this Session, much to the credit of all of us as Legislators, both Republicans and Democrats. But something happened in the Democratic Party between February 10th and February 12th. The apparent intent of the Democratic leadership of this House to solve our problems promptly and sincerely met with opposition from without. The tax bills were returned to Committee and nothing further was done with them for over three months.

During that time the New Deal about face was executed with the precision of Hitler's goose steppers. With it the talk of deficit abruptly ceased. What was but a few days before, a deficit, quickly turned into a surplus. The effort to meet the problems promptly and sincerely was abandoned. A program that was political and tricky was adopted. They realized that few people had any substantial knowledge concerning estimating revenue and by the simple device of making fictitious and fanciful estimates they increased appropriations, decreased taxes and transferred a deficit into a surplus; all on paper, of course—a typical New Deal method of financing, designed to upset the budget and ruin the finances of the Commonwealth with the hope that the chaos which it will create will be laid at the doorsteps of the present Administration.

I do not propose to make a detailed analysis of this budget at this time, but I assure you that it will be shot full of holes. However, in order that the Members of the Legislature and the people of Pennsylvania are not misled I deem it advisable at this time to point out that the actual receipts realized during this biennium will be approximately \$382,500,000. If those same sources of revenue were maintained on the basis of the estimates made by the Democrats there would be \$441,748,000

realized during the next biennium. This figure is demonstrated as follows:

\$427,598,000	Democratic estimated income for the biennium;
\$6,500,000	Deduction of income by taking over mental hospitals;
\$6,900,000	Estimated loss of revenue by reduction of Personal Property Tax;
\$750,000	Loss of revenue by reduction in bank taxes.

This represents an increase of \$58,500,000 or 15% over actual revenues for this biennium. That this figure is fanciful seems evident on its face, but when it is considered that it includes license fees, hospital payments and a vast number of taxes which the Democrats themselves referred to as "static" we can appreciate how truly fantastic the estimate really is.

The books of the Commonwealth, for this biennium, have been closed this afternoon. I am advised by the Department of Revenue that the actual cash receipts fall approximately \$5,500,000 below estimates revenue.

Although the gentleman from Monroe knew about this a month ago, no cognizance was taken of it in the preparation of his so-called "budget". To consider it would have made even more fantastic his estimates of revenue. But that is not all. The \$5,500,000 shortage of revenues makes \$5,500,000 less available for appropriations in the coming biennium. The Democratic "budget" conveniently forgets about this.

After spending two sessions urging additional taxes they now decide that taxes must be reduced, so they drop a \$5,500,000 item into the hat and pull out a \$6,900,000 reduction of Personal Property Tax. Well, if the magician could only make that \$5,500,000 disappear but there it stands as plain as the nose on your face, and disregarding it will be of no avail.

We learned last night that the gentleman from Monroe is a very wise Democrat and an intelligent man, and I am not taking issue with that, but Solomon in all his wisdom, Houdini with all his magic, could not have made that \$5,500,000 item disappear, and I doubt if the gentleman from Monroe will be able to do so.

There are other items which have been disregarded in the budget. The postponement of payment to Veterans Sinking Fund passed by this House, in order to provide necessary money to make the relief appropriation of \$6,300,000 has been omitted. The deficiency appropriation of \$4,900,000 passed by this House has been totally ignored. What a simple thing it is to reduce taxes, by failing to include items which must be paid.

There is much more to be said about this budget, including that it is likely between \$40,000,000 and \$50,000,000 out of balance. I assure you that we will be pleased to discuss it in greater detail in the very near future.

The gentleman has raised some question about the reason he ignored some of these things. I think he has admitted on the floor of the House on interrogation that he has deliberately disregarded certain items. He must admit that that deliberate disregard of those particular items shows a false picture to the people of the Commonwealth of Pennsylvania. I appreciate the fact that he did not know and could not have ascertained exactly what the shortage of revenue would be, but I do recall that he on the floor of the House suggested that it was

in the neighborhood of six million, or maybe in the neighborhood of eleven million dollars, by adding five million dollars to it. The gentleman was arguing at that time that there wasn't really going to be a deficit, and when it was in accord with their policy to recognize it, they did so, but as soon as it developed to be unwise to carry out their program of fooling the people they ignore it. Now, Mr. Speaker, the gentleman says that the \$6,300,000 is not in the Governor's budget, and since the Governor disregarded it, he was entitled to disregard it. Did you ever hear of anything more ridiculous than that. On February 3rd, the Governor came before this Legislature and he said, "I think you should make a \$14,500,000 appropriation for relief," and then the Governor shows how the money should be raised. Then he said, "It is impossible to say whether there will be an additional amount necessary but there likely will be." Now, of course, there is nothing in the budget about the \$6,300,000 because it was something at that time that was in doubt. There was no knowledge as to how much it should be or how the money should be raised. The gentleman has ignored the whole business, although there were two bills, one making the transfer from the Motor Fund and one making the postponement of payment to the Veterans' Fund, but both were passed by this House at the same time and on the same day, and both of them should have gone in the budget. He puts one of them in and the other one he does not put in. I think the gentleman just forgot it. I won't say he did it deliberately, but I think he forgot it. His budget contained items of that kind which were forgotten and as a result of that his budget is definitely misleading to the people of the Commonwealth of Pennsylvania, and does not represent the true situation as it existed on the day when it was submitted to this Legislature, and as the gentleman knew, or should have known, did exist on that day. Then he tries to refute that on the ground that the Governor did not know on February 3rd how much money will be necessary for relief for the balance of the biennium, and so frankly stated to this Legislature in his message.

Now, Mr. Speaker, let us talk about the \$4,900,000. That is an approximate sum, it is not the exact sum, but it is close to that amount.

That is another item that the gentleman just totally disregarded. It is not in his budget, he just dismissed it. Yet, he submits that budget after 112 days of studying the Governor's budget, but he does not bring his own budget up to date, and he even disregards some of the items which were in the Governor's budget, items of a substantial amount, and disregarded those items entirely, throwing them out of the picture. Then he said, "We got plenty of money, we are going to up the estimate of revenue to an amount which is fantastic, and we are going to reduce taxes." Anyone can reduce taxes by ignoring items that have to be paid and say it is not necessary to have those items in the budget, merely forgetting to put them in and forgetting to make any reference to them.

Mr. Speaker, as I stated, there are a lot of other things to be said about this budget but I think I have pointed out enough. The gentleman on the other side has frankly admitted on the floor of this House that his budget does not represent the true picture as of the date when it was submitted to this Legislature.

Mr. ACHTERMAN. Mr. Speaker, the gentleman from Dauphin, Mr. Woodside, seems to be greatly concerned over the fact that we have treated certain borrowings by the Governor in the same manner in which the Governor has treated them. I for the life of me cannot understand why exception should be taken to our method of proceeding. If that method of procedure could be used by the Governor why should it not be available to our party? May I call to the attention of the Members of the House once again the method utilized by the Governor of Pennsylvania? He made a great fanfare and stated, "I recommend that you make this appropriation of \$131,390,000 for public assistance." Then almost in the same breath he says, "However, if there are deficiencies I recommend that the amount be taken from \$131,390,000 mentioned above." I presume he excuses that by somewhere prior to that time having mentioned an \$11,000,000 cushion, although the \$11,000,000 was then added to the relief.

What is wrong, Mr. Speaker, if the Governor was permitted to do that if we also follow in the same vein and the same pattern laid down by the Governor? It is very true we have made no mention of certain borrowings from the Veteran's Fund, or rather the postponement of certain payments to the Sinking Fund. Neither has the Governor. They both are in the same category. There is no difference between the two. However, we did one thing the Governor did not do. The funds that he borrowed at the same time, which he was going to take from one particular fund, that is from this \$131,000,000 to pay back the funds that he had transferred, that is from the Motor License Fund and the other funds. We treated in another manner. We did not take it from the items that the Governor named, but we took it from other items to be received, from general revenues to be received, the payments to be covered, nevertheless, under our budget just the same as under the Governor's, except that he treated it as a nebulous fund which he was taking from the Relief Fund. It does not make a great deal of difference if we take the deficiency that the gentleman mentioned and substitute for it the other, and anticipated that payment should be made in the same manner. The total sums, Mr. Speaker, are approximately the same, so that our borrowings, or shall I say the payments, from the \$131,300,000 fund are the same type and the same amount of payments that are anticipated by the Governor in his message. Are we to be condemned because in balancing our budget, the budget that we submitted, we used the same identical method used by the Governor in his message to this House? I have at no time, Mr. Speaker, condemned the Governor for it. If condemnation is to be heaped upon anyone since the gentleman from Dauphin, Mr. Woodside spoke of ours as a proposed budget, the condemnation in a greater manner should be heaped upon the Governor of the State of Pennsylvania and it should come from the mouth of the minority leader of this House.

Now Mr. Speaker, the gentleman says that we have underestimated the receipts. May I say just briefly, without a complete analysis, we have been modest in our estimates. May I point out just a few items, not in an effort to give a complete story, but to indicate that we have been conservative? May I point out for instance that the receipts in the domestic bonus tax have been two hundred and twenty-six thousand dollars plus in

this biennium, and that is not the complete figure. We left the Governor's estimate undistributed at two hundred twenty-five thousand dollars.

May I point out Mr. Speaker that the Loans Tax, the Corporations Domestic has yielded five million four hundred and nineteen thousand dollars in this biennium, and those figures are not complete, although the Governor in his estimate for the coming biennium has only indicated an estimate of receipts of five million two hundred fifty thousand dollars, some several hundred thousand dollars less. Do you believe that is fair to the Commonwealth? Do you believe in that method of procedure of continuing to tax the people, although the experience of the present time has indicated that the receipts from taxes are in excess in this biennium of his estimates for the coming biennium? Would it not be more fair to the people of Pennsylvania to place his figures somewhere in relation to his receipts so that if a tax reduction were possible that they would receive it?

May I point out another figure in relation to the loan tax for counties, where his receipts are four million six hundred and forty-one thousand dollars, although his estimate for the coming biennium was one million and one half dollars less, or the sum of three million one hundred thousand dollars. We in our estimates have even underestimated the amount of receipts. Have we been proceeding incorrectly or have we moving conservatively? Moving conservatively, Mr. Speaker, but still able to show and still able to produce a very comfortable saving to the taxpayers of Pennsylvania, a saving that can be realized and will be realized in a two fold manner. First, by taking over the necessary and essential governmental functions which of course will relieve and release the local taxpayers from the expense thereof. Secondly, in a direct reduction in taxes.

I might say, Mr. Speaker, I do not intend at this time to go through all the figures and analyze the results or the methods by which we arrived at our figures. I have only pointed out certain facts in connection with just a few phases, but I am saying that the receipts, with the thought of the amount of increased business that is apparent and the consequent increased tax, that we have been more than conservative in our estimates and that there is nothing fantastic about the manner in which we have arrived at our results.

Perhaps, Mr. Speaker, the thing that is difficult for the Republican administration to realize is that the increase of business in Pennsylvania, the increase of business in the United States, the tremendous upsurge, is something that is difficult to imagine or to understand. The tremendous sum that is being pumped into every industry in Pennsylvania and in the nation as the result of national defense deserves and must receive very careful consideration by the administration. They have, Mr. Speaker, totally disregarded this, disregarded it to the point of where they are now estimating for the coming biennium certain taxes at an amount less than they received in this biennium now closing.

Mr. Speaker, I am saying that no administration can maintain that they are treating the people fairly and honestly as long as they maintain a budget that is so uncertain and so untrue. The people of Pennsylvania have a right to expect this administration to see that the figures are reasonably accurate and that the estimates are at least as reasonably true as all of the circumstances

warrant. That means, Mr. Speaker, that this administration must take into consideration the upsurge of business, the effect of the defense program, and they must compute their figures and budget with that thought in mind, and that, I say, Mr. Speaker, is what the Democratic Party will insist on.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 1021.

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL NO. 1021.

An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district

Whereupon.

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary of the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL NO. 666

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941
To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 666, Printer's No. 658, entitled, "An act to further amend section one of the act approved the twenty-sixth day of August one thousand nine hundred thirty-two (Pamphlet Laws 101) entitled 'An act authorizing collectors of delinquent taxes except in cities of the first class to accept payments of delinquent taxes or water-rents or rates in installments' by extending its provisions to counties of the second class."

ARTHUR H. JAMES

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE CONCURRENT RESOLUTION NO. 79

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House concurrent resolution No. 79 requesting the Governor to issue a proclamation designating October 11, 1941, as "General Pulaski's Memorial Day."

ARTHUR H. JAMES

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 1004

The Clerk of the Senate being introduced, informed that the Senate insists on its nonconcurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 1004 entitled:

An Act making an appropriation to the Department of Public Assistance and providing for certain allocations therefrom for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and for the payment of assistance and expenses accrued or incurred prior to and remaining unpaid on May thirty-first one thousand nine hundred forty-one

And has appointed Messrs. BARTLETT, EDMONDS and COLEMAN, a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL NO. 1004

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. Achterman, McClanaghan and Urner.

Ordered, That the Clerk inform the Senate accordingly.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess for one hour. The Chair hears none and a recess is declared for one hour.

AFTER RECESS

The time of the recess having expired the House was called to order.

The SPEAKER (Elmer Kilroy) in the Chair.

BILL INTRODUCED AND REFERRED

By Mr. ROSENFELD.

HOUSE BILL No. 1748

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred seven (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas, the orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, of this Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when the parties to such proceedings; and repealing an act, entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth; authorizing the appointment of stenographers by examiners, masters, referees, commissioners, and auditors; authorizing the appointment of assistant stenographers; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May fifteenth, one thousand eight hundred and seventy-four; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May eighth, one thousand eight hundred and seventy-six, and repealing "An act defining the duty of court stenographers in the several counties in this State," approved June tenth, one thousand eight hundred and eighty-one, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven," further prescribing regulations for the furnishing of copies of testimony.

Referred to the Committee on Judiciary General.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 54.

(HOUSE BILL No. 1749)

An Act to add clause forty-seven to section one thousand five hundred two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

Referred to the Committee on Townships.

SENATE BILL No. 55.

(HOUSE BILL No. 1750)

An Act to add clause twenty-two to section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), en-

titled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the furnishing of meeting rooms to veterans' organizations and the payment of rentals of certain buildings and rooms by such organizations.

Referred to the Committee on Townships.

SENATE BILL No. 213. (HOUSE BILL No. 1751)

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania to acquire by gift from the owner thereof Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown Montgomery County Pennsylvania providing for the control management supervision improvement and maintenance thereof by the Pennsylvania Historical Commission authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof and creating an advisory board to assist in such functions.

Referred to the Committee on State Government.

SENATE BILL No. 509. (HOUSE BILL No. 1754)

An Act making an appropriation to the State Council for the Blind for use in supplying medical treatment surgical operations eyeglasses or other necessary aids or services to needy blind persons or persons with impaired vision.

Referred to the Committee on Appropriations.

SENATE BILL No. 655. (HOUSE BILL No. 1755)

An Act to amend the first paragraph of section one of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth" by increasing the salary of county commissioners in eighth class counties.

Referred to the Committee on Counties.

SENATE BILL No. 491. (HOUSE BILL No. 1756)

An Act to protect property by making criminal certain unlawful entries on injuries to and interference with property and attempts or conspiracies to do so and providing penalties.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 508. (HOUSE BILL No. 1757)

An Act to amend section two thousand three hundred twenty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assist-

ants and employes of certain departments boards and commissions shall be determined" by authorizing the State Council for the Blind to furnish certain aids and services to needy blind persons or persons with impaired vision for the purpose of restoring or improving their vision and authorizing the State Council for the Blind to accept and expend Federal moneys in furtherance of such purpose.

Referred to the Committee on Welfare.

SENATE BILL No. 1026. (HOUSE BILL No. 1758)

An Act to amend the act approved the twenty-ninth day of September one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" as amended by extending the time within which the Commonwealth shall take over all such institutions extending the time for the repeal of certain acts listed in section nine of said act and making further provision for the adjustment of various matters between the Commonwealth and counties cities institution districts boroughs towns townships wards and other municipal subdivisions of the Commonwealth in order to effectuate the purposes of said act.

Referred to the Committee on Welfare.

SENATE BILL No. 1027. (HOUSE BILL No. 1759)

An Act to further amend section three of the act approved the eleventh day of October one thousand nine hundred thirty-eight (P. L. 63), entitled "An act to amend the act approved the eleventh day of July one thousand nine hundred twenty-three (P. L. 998), entitled 'An act for the prevention and treatment of mental diseases mental defect epilepsy and inebriety regulating the admission and commitment of mental patients to hospitals for mental diseases and institutions for mental defectives and epileptic governing the transfer discharge interstate rendition and deportation of mental patients providing for the payment by individuals counties or the Commonwealth of the cost of the admission care and discharge of mental patients and imposing penalties' as amended by further defining and limiting the institutions in which persons mentally ill may receive care and treatment relieving counties and poor districts of the payment of the cost of the admission care and discharge of mental patients with certain exceptions imposing such costs on the Commonwealth and repealing inconsistent laws" by deferring the operation of the act for a further period of time and making further provision for the care of mental patients in certain county city or institution district institutions during such time.

Referred to the Committee on Welfare.

BILLS INTRODUCED AND REFERRED

By Messrs. O'NEILL and BROWN. HOUSE BILL No. 1760

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of

anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employees and expend funds; and making an appropriation.

Referred to the Committee on Mines and Mining.

By Mr. WILLIAMS. HOUSE BILL No. 1761

An Act to repeal certain obsolete laws relating to or imposing duties upon county commissioners.

Referred to the Committee on Counties.

By Mr. BONEY. HOUSE BILL No. 1762

An Act to further amend section one thousand two hundred one of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further defining professional employees.

Referred to the Committee on Education.

By Mr. ROSENFELD. HOUSE BILL No. 1763

An Act to amend section six of the act, approved the seventh day of May, one thousand eight hundred and eighty-nine (P. L. 103), entitled "An act for the identification of habitual criminals," by making certain copies of the criminal records of convicts available for the inspection of attorneys-at-law.

Referred to Committee on Judiciary Special.

By Mr. PETROSKY. HOUSE BILL No. 1764

An Act to further amend section eleven of the act, approved the seventeenth day of February, one thousand nine hundred and six, (P. L. 45), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," by further regulating the rendition and advertisement of statements of moneys to the credit of the various funds in the State Treasury.

Referred to the Committee on State Government.

By Mr. ELLIOTT. HOUSE BILL NO. 1765.

An Act repealing and abandoning as a State Highway State highway Routes 03123 and 03133 in Armstrong County; and providing for the reversion thereof to the townships.

Referred to the Committee on Highways.

By Messrs. READINGER and HAINES.
HOUSE BILL NO. 1766.

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds

from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of members of the School Employees' Retirement Association engaged in active military service.

Referred to the Committee on State Government.

By Mr. WOODSIDE. HOUSE BILL NO. 1767.

An Act providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress now contained in Senate Bill 1313, entitled "A bill to strengthen the national defense and promote the general welfare through the appropriation of funds to assist the States and Territories in meeting financial emergencies in education and in reducing inequalities of educational opportunities," if and when the same shall become a law and conferring powers and imposing duties on the State Treasury, the Department of Public Instruction, the Department of the Auditor General and on school districts.

Referred to the Committee on State Government.

By Mr. WOODSIDE. HOUSE BILL NO. 1768.

An Act to further amend the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 1937, page 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exemptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collecting of such contributions and the payment of such compensation, providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing therein as to the replacement of certain moneys received pursuant to the provisions of Section three hundred two of the Federal Security Act as amended.

Referred to the Committee on Workmen's Compensation.

By Mr WOODSIDE. HOUSE BILL NO. 1769.

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven. (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local or any parts thereof, that are or may be inconsistent therewith" providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

Referred to the Committee on Education.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. CORDIER. RESOLUTION NO. 98.

In the House of Representatives, May 29, 1941.

Whereas, It has been alleged that gross irregularities,

mismanagement and misuse of public funds exist in the conduct of the affairs of Dunmore School District in Lackawanna County; and

Whereas, The citizens of the borough of Dunmore have for some time vainly attempted to secure from the board of school directors a statement of the affairs of the district; and to obtain an impartial audit by qualified public accountants employed by such citizens; but every such effort has been met with subterfuge and technicalities to block an honest audit and an accurate report of the condition of the school district; therefore be it

Resolved, That the Speaker of the House of Representatives appoint a special committee of five members to make immediate inquiry and investigation into the affairs of the Dunmore School District, and to compel the production by the officials of the school district of all their books, records and papers to facilitate the making of a proper audit; and be it further

Resolved, That said special committee shall have the power to issue subpoenas under the hand and seal of its chairman, requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoena may be served upon any person, and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall willfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

By Messrs. BALTHASER and EARLY.

RESOLUTION NO. 99.

In the House of Representatives, May 29, 1941.

The State highway, known as U. S. Route No. 22, from Harrisburg to Easton is used as one of the main arteries of travel between the eastern and western ends of the Commonwealth. It has, ever since its improvement a few years ago, taken a ceaseless stream of traffic during every hour of each period of twenty-four hours.

Since the establishment of the Federal cantonment at Indiantown Gap, one mile north of this highway, it has become of tremendous military importance, for the movement of troops and munitions.

The present improved two lane roadway of Route 22 has for some time been wholly inadequate, and is becoming increasingly more so. A three or four lane highway over this route has become an imperative necessity; therefore, be it

Resolved, That the House of Representatives hereby urge upon the Governor and the Department of Highways the pressing need for the immediate construction of one or two additional lanes on U. S. Highway Route No. 22, between the cities of Harrisburg and Easton, and for the relocation of the roadway wherever the widening is, for any reason, impractical or impossible; and requests that the project of widening this highway be at once undertaken for the safety and convenience of the people of this Commonwealth, the furtherance of its commercial progress, and to aid in speeding up the National program for defense; and be it

Resolved, That certified copies of this resolution be transmitted by the Chief Clerk to the Governor and to the Secretary of Highways.

Referred to the Committee on Highways.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows.

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 401

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 401, Printer's No. 564, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES

COMMUNICATION AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 40., together with the communication from the Governor, be laid on the table.

The motion was agreed to.

SENATE MESSAGES

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 230, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 234, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to pro-

vide revenue by taxation" by increasing the rate of tax for a further limited period of time.

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loan to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 6:30 p.m. The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 6:30 p.m.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON SENATE BILL No. 1004

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Senate Bill numbered and entitled as follows:

SENATE BILL No. 1004.

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department.

REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 1004

Mr. ACHTERMAN. Mr. Speaker, I desire to call up the Report of the Committee of Conference on Senate Bill No. 1004, Printer's No. 384.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 1004, entitled:

"An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one; and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department"

Respectfully submit the following bill as our report

C. A. P. BARTLETT
FRANKLIN S. EDMONDS
EDWARD J. COLEMAN
(Committee on the Part of the Senate)
LEO A. ACHTERMAN
FRANCIS X. McCLANAGHAN
ELLWOOD J. TURNER
(Committee on the Part of the House
of Representatives.)

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of six million two hundred fifty-three thousand six hundred dollars (\$6,253,600) or as much thereof as may be necessary is hereby specifically appropriated from the General Fund to the Department of Public Assistance for the payment of assistance administrative expenses and expenses of liquidating the State Emergency Relief Board as provided by the Public Assistance Law and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the Department of Public Assistance for the two fiscal years beginning June first one thousand nine hundred forty-one

Section 2 Out of the moneys appropriated by section one of this act the Department of Public Assistance shall allocate funds from time to time for the several assistance programs (old age assistance aid to dependent children pensions for the blind general assistance and other programs provided by the Public Assistance Law) for administrative expenses of the several county boards of assistance for such administrative expenses incurred by the department which are chargeable to such boards and for the payment of attorneys' fees and court costs necessary for the proper conduct of the work of the department

Section 3 Out of the moneys appropriated by section one of this act there is hereby allocated to the Treasury Department the sum of sixty-six thousand dollars (\$66,000) and to the Department of the Auditor General the sum of fifteen thousand dollars (\$15,000) to pay the administrative expenses of said departments in auditing and disbursing the appropriation made by this act during the month of June one thousand nine hundred forty-one

On the question,

Will the House adopt the report of the Committee of Conference?

Mr. TURNER. Mr. Speaker, as one of the conferees on this report, I agreed to the inclusion of the sum of \$6,253,600 for the month of June, with the assurance of the majority leader, Mr. Achterman, that no advantage would

be taken of the Governor, so that he might have the full time of thirty days to act upon the appropriation bills and in the event this session should not adjourn in time that this amount would be sufficient to carry us through, and allow the Governor sufficient time, he would be willing that sufficient time be given.

The gentleman from Monroe said he had no desire or disposition to hamstring the Governor in any way on that proposition and therefore we are agreeable to this amount.

Mr. ACHTERMAN. Mr. Speaker, I wish to concur in the remarks of the gentleman from Delaware, Mr. Turner. It is not the desire of the Democratic Members of this House to prevent the Governor from having the usual and legal amount of time for the consideration of bills passed by this House before he signs them.

On the question recurring,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 179

Achterman,	Gerard,	Maxwell,	Rosenfeld,
Auker,	Gillan,	McClanaghan,	Royer,
Baker,	Goodwin,	McClester,	Rush,
Balthaser,	Greenwood,	McDermott,	Sarraf,
Bentley,	Gryskewicz,	McDowell,	Scanlon,
Bentzel,	Gyger,	McFall,	Schwab,
Boles,	Habbyshaw,	McGrath,	Serrill,
Boney,	Haberlen,	McIntosh,	Shaffer,
Bower,	Haines,	McKinney,	Shaw,
Bradley,	Hall,	McLanahan,	Shepard,
Bretherick,	Hamilton,	McLane,	Simons,
Brown,	Hare,	McMillen,	Skale,
Brunner, P. A.,	Harkins,	McSurdy,	Snyder,
Burns,	Harmuth,	Melchiorre,	Sork,
Burris,	Heatherington,	Modell,	Stambaugh,
Cadwalader,	Helm,	Monks,	Stank,
Chervenak,	Hering,	Mooney,	Stine,
Chudoff,	Herman,	Moran,	Tarr,
Cochran,	Hersch,	Moul,	Tate,
Cohen, M. M.,	Hewitt,	Muir,	Taylor,
Cohen, R. E.,	Holland,	Munley,	Thompson, E. F.
Cordier,	Huntley,	Nagel,	Thompson, R. L.
Corrigan,	James,	Nunemacher,	Trout,
Croop,	Jefferson,	O'Brien,	Turner,
Dalrymple,	Jones, P. N.,	O'Dare,	VanAllsburg,
Dennison,	Keenan,	O'Mullen,	Verona,

DiGenova,	Kenehan,	O'Neill,	Vincent,
Dix,	Kilne,	Owens,	Vogt,
Dolon,	Knoble,	Petrosky,	Voldow,
D'Ortona,	Kolankiewicz,	Pettit,	Voorhees,
Duffy,	Komorowski,	Polaski,	Wagner,
Early,	Krise,	Polen,	Watkins,
Elder,	Lee, E. A.,	Powers,	Weiss,
Elliott,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Ely,	Leisey,	Rank,	Wilkinson,
Falkenstein,	Leonard,	Readinger,	Williams,
Finestone,	Lesko,	Reagan,	Winner,
Finnerty,	Levy,	Reese, D. P.,	Wolf,
Fiss,	Leydic,	Reese, R. E.,	Wood, N.,
Fletcher,	Lichtenwalter,	Regan,	Woodring,
Flynn,	Longo,	Reynolds,	Woodside,
Foor,	Lyons,	Rhea,	Yester,
French,	Malloy,	Riley,	Young,
'allagher,	Marks,	Rooney,	Kilroy, Speaker

NAYS 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL NO. 1004.

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first one thousand nine hundred forty-one and providing for certain allocations from such appropriation by the Department of Public Assistance and also allocations to the Department of the Auditor General and the Treasury Department

ADJOURNMENT

Mr. PRESLEY N. JONES. Mr. Speaker, I move that this House do now adjourn until Monday, June 2, 1941, at 8 p. m.

The motion was agreed to, and (at 7:25 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, JUNE 2, 1941.

No. 63.

SENATE

MONDAY, June 2, 1941.

The Senate met at 3:30 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the Senator from Butler, Mr. CARR.

Our gracious Heavenly Father, we bow before Thy Throne of Grace. We return thanks unto Thee that Thou hast given us the privilege of living in a land where there is freedom, a land where there is plenty for all and room for all to live.

We thank Thee for those whom we have had in remembrance in the past few days, who made this land for us and gave it to us as a great heritage, and may our hearts ever be thankful unto them for what they have done.

We would ask, of God, that in these troublous times all our hearts might turn to Thee for guidance, for Thou alone, O God, canst lead us through the dark days that seem to lie ahead.

Grant, O God, unto each American, a spirit of willingness to serve and sacrifice, that Thy will may be accomplished in the preservation of our Nation; grant and give us the legislative wisdom, understanding, and willingness to do that thing which seemeth right at all times.

We ask it in His Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Frey asked and obtained leave of absence for the Senator from Allegheny, Mr. McGINNIS, for the balance of the week.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of

the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 2, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 2, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Elizabeth R. Stewart, Pittsburgh, 840 West North Avenue.

DELAWARE COUNTY

Miss Virginia H. Sisson, Tinicum Twp., Westinghouse Elec. and Mfg. Co., Lester.

FAYETTE COUNTY

Miss Catherine Nicola, Uniontown.

WESTMORELAND COUNTY

J. W. Hurley, Scottdale.

Miss Edna A. Sweitzer, New Kensington.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Ealy,	Mallery,	Tallman,
Barr,	Edmonds,	McCreesh,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Frey,	Miller,	Tyler,
Cavalcante,	Geltz,	Reed,	Wade,
Coleman,	Haluska,	Ruth,	Watkins,

Cox,
Crider,
Crowe,
Deitrick,
Dent,

Heyburn,
Homsher,
Kephart,
Lanius,
Letzler,

Scarlett,
Snowden,
Stevenson,
Stiefel,

Wilson, H. L.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 1004

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 1004, Printer's No. 384, entitled, "An act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two fiscal years beginning June first, one thousand nine hundred forty-one, and providing for certain allocations from such appropriation by the Department of Public Assistance, and also allocations to the Department of the Auditor General and the Treasury Department."

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 267, (Senate Bill No. 1057), entitled:

An Act making an appropriation to aid certain school districts.

Which was committed to the Committee on Appropriations.

House Bill No. 300, (Senate Bill No. 1058), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 472, (Senate Bill No. 1059), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Which was committed to the Committee on Appropriations.

House Bill No. 736, (Senate Bill No. 1060), entitled:

An Act to further amend section two thousand five hundred and sixty-three of the act, approved the twenty-third day of June, one thousand nine hundred, and thirty-one (P. L. 932), entitled "Third Class City Law," changing

the penalties and interest imposed for the nonpayment of taxes.

Which was committed to the Committee on Municipal Government.

House Bill No. 811, (Senate Bill No. 1061), entitled:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16), entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

Which was committed to the Committee on Law and Order.

House Bill No. 830, (Senate Bill No. 1062), entitled:

To further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "Pennsylvania Liquor Control Act" changing the provisions of said act with respect to natural wines, as herein defined: discontinuing the sale thereof by State stores; and changing the quantities of malt or brewed beverages that may be sold by licensees, other than clubs, for consumption off the premises where sold.

Which was committed to the Committee on Law and Order.

House Bill No. 831, (Senate Bill No. 1063), entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 262), entitled as last amended "Malt Liquor License Law" including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license; and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors, and by retail dispensers for consumption off the premises where sold.

Which was committed to the Committee on Law and Order.

House Bill No. 848, (Senate Bill No. 1064), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class.

Which was committed to the Committee on Education.

House Bill No. 910, (Senate Bill No. 1065), entitled:

An Act providing State-aid for certain agricultural associations and counties holding annual agricultural exhibitions; regulating the payment thereof; and conferring

powers and imposing duties on the Department of Agriculture.

Which was committed to the Committee on Agriculture.

House Bill No. 1203, (Senate Bill No. 1066), entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

Which was committed to the Committee on Appropriations.

House Bill No. 1232, (Senate Bill No. 1067), entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," authorizing the council in such cities from time to time to make supplemental appropriations.

Which was committed to the Committee on Municipal Government.

House Bill No. 1234, (Senate Bill No. 1068), entitled:

An Act to further amend section one thousand seven hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred thirty-two (P. L. 1206), entitled "First Class Township Law," authorizing the township commissioners from time to time, to make supplemental appropriations.

Which was committed to the Committee on County Government.

House Bill No. 1236, (Senate Bill No. 1069), entitled:

An Act to further amend section nine hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," authorizing the township supervisors from time to time, to make supplemental appropriations.

Which was committed to the Committee on County Government.

House Bill No. 1331, (Senate Bill No. 1070), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

Which was committed to the Committee on Appropriations.

House Bill No. 1380, (Senate Bill No. 1071), entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employees' Retirement Law," by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

Which was committed to the Committee on Education.

House Bill No. 1423, (Senate Bill No. 1072), entitled:

An Act to further amend section eleven of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employees Retirement Law" by extending the service allowance of certain employees.

Which was committed to the Committee on Education.

House Bill No. 1429, (Senate Bill No. 1073), entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "Vital Statistics Law," providing for the appointment of local registrars of vital statistics by county commissioners.

Which was committed to the Committee on County Government.

House Bill No. 1470, (Senate Bill No. 1074), entitled:

An Act providing for practical arts and vocational agriculture, home economics, industrial and commercial schools, and classes through public school districts, and in cooperation with employment offices for the training, retraining, instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter, re-enter, or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction, and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 1480, (Senate Bill No. 1075), entitled:

An Act authorizing the Commonwealth, political subdivisions and certain institutions to purchase services from organizations for the blind without contracts or advertisements; providing for the fixing of fair market prices for such services by a committee composed of heads of certain departments and representatives of institutions for the blind; imposing certain duties upon the Department of Property and Supplies, and the State Council for the Blind.

Which was committed to the Committee on State Government.

House Bill No. 1493, (Senate Bill No. 1076), entitled:

An Act to amend the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 600), entitled "Status of Public Officers and Employees in Military Service in time of War or Contemplated War Act," by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

Which was committed to the Committee on State Government.

House Bill No. 1494, (Senate Bill No. 1077), entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), as amended, entitled "State Employees' Retirement Law."

Which was committed to the Committee on State Government.

House Bill No. 1495, (Senate Bill No. 1078), entitled:

A supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Penn-

sylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

Which was committed to the Committee on State Government.

House Bill No. 1597, (Senate Bill No. 1079), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Lebanon.

Which was committed to the Committee on Highways.

House Bill No. 1636, (Senate Bill No. 1080), entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

Which was committed to the Committee on State Government.

House Bill No. 1657, (Senate Bill No. 1081), entitled:

An Act to amend sections one and four of the act, approved the twelfth day of July, one thousand nine hundred and thirty-five (P. L. 722), entitled "An act authorizing cities of the second class to issue and sell short term promissory notes," by providing that cities of the second class may issue and sell short term promissory notes to raise funds for any lawful purpose; and further providing that said short term notes may be paid and funded out of the proceedings of bonds issued and sold for the authorized purpose.

Which was committed to the Committee on Municipal Government.

House Bill No. 1658, (Senate Bill No. 1082), entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law," by further regulating the manner of letting contracts relating to city affairs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1670, (Senate Bill No. 1083), entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

Which was committed to the Committee on Municipal Government.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both Houses of the

General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 32, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County the western terminus of the turnpike heretofore constructed by said commission to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia and conferring powers and imposing duties on the Pennsylvania Turnpike-Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and State highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

Senate Bill No. 551, entitled:

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth."

Senate Bill No. 552, entitled:

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

COMMUNICATION FROM PENNSYLVANIA MOTOR TRUCK ASSOCIATION

The PRESIDENT. The Chair is in receipt of a communication from the Pennsylvania Motor Truck Association, dated June 2, 1941, which will be spread upon the Journal.

Pennsylvania Motor Truck Association
Incorporated
711 Telegraph Building, Harrisburg, Pa.

June 2, 1941.

Honorable Samuel S. Lewis
Lieutenant-Governor
State Capitol
Harrisburg, Pennsylvania

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

"Governor O'Connor, of Maryland, signed a modern highway transportation bill last week, on the recommendation of the Maryland Roads Commission, increasing the gross weight limit of tractor-trailers in Maryland from 42,000 to 50,000 pounds and the single-axle limit from 20,000 to 22,400 pounds.

"The Highway Committee of your honorable body last week reported out a truck regulating bill with amendments to increase Pennsylvania's gross limit for tractor-trailers from 39,000 to 42,000 pounds and the single-axle limit from 18,000 to 19,000 pounds. The bill, as amended, has passed first reading in the Senate.

"The trucking industry of Pennsylvania requested and the House of Representatives passed by an overwhelming non-partisan vote legislation for a 50,000-pound gross maximum for tractor-trailers and a 22,400-pound single-axle limit, in order to place Pennsylvania shippers and truckers on a more equitable competitive basis with neighboring states. New York permits a 58,000-pound gross maximum on tractor-trailers and a 22,400-pound single-axle load. New Jersey permits 60,000 pounds gross on a tractor-trailer and has no single-axle load restrictions. West Virginia allows 66,000 pounds on a tractor-trailer and 22,000 on a single axle.

"In view of Maryland's action, which was the result of a detailed engineering study by state officials, Pennsylvania is hemmed in now by states which have liberalized their motor transportation laws. There is a veritable Chinese wall around Pennsylvania to keep out trade.

"It doesn't take a prophet to see that if this situation is permitted to continue, if the modest requests of the truckers of this State are not granted, that manufacturers will find it advantageous to locate their factories below the Mason-Dixon line, because of the lower distribution costs afforded by the laws of Maryland, as compared with those of Pennsylvania.

"If our public officials can not see the importance of this problem now and the urgent need for chopping down Pennsylvania's trade barrier, especially in view of the President's proclamation that a national emergency exists, then Pennsylvania's position as the "workshop of the nation" and the "arsenal of America" will be seriously jeopardized.

Respectfully,

(Signed) EDWARD GOGOLIN,
General Manager."

BILL INTRODUCED

Mr. MALLERY. Mr. President, by request I read in place and presented to the Chair a bill which might be known as the Youth Corrective Authority. This is a very important matter, and while I am not so optimistic as to think that the bill might pass at this session of the Legislature, the matter is of such importance that it will give to the members of the Legislature an opportunity to study its provisions and to suggest any improvements, and we are hopeful, at least, that we can do something along this line at the next session of the Legislature.

Messrs. MALLERY and RUTH read in their places and presented to the Chair Senate Bill No. 1084, entitled:

An Act creating a uniform and exclusive system for the correction, training and rehabilitation of young persons convicted of law violations in the Commonwealth; establishing the Youth Corrective Authority; conferring

and defining its jurisdiction, duties, powers and functions, including the commitment, control, supervision and discharge of young persons convicted of crime; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employees; authorizing it to make and enforce rules for the accomplishment of its functions, to create administrative districts and to make use of existing institutions and agencies and the facilities of other departments of the Commonwealth; imposing certain duties upon judges and providing for appeals; fixing the salaries of members of the board and of certain other officers and employees thereof; and making an appropriation.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

SENATE BILL No. 270 RECALLED FROM THE GOVERNOR CALLED UP FROM TABLE

Mr. THOMAS. Mr. President, I now call up Senate Bill No. 270, (House Bill No. 938), recalled from the Governor, which was laid on the table.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

RECONSIDERATION OF SENATE BILL NO. 270, (HOUSE BILL NO. 938)

Mr. THOMAS. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 270, (House Bill No. 938), entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view.

was passed finally, May 20, 1941.

The PRESIDENT. How did the Senator vote?

Mr. THOMAS. Mr. President, I voted "aye".

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. THOMAS. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. THOMAS. Mr. President, I voted "aye".

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. THOMAS. Mr. President, I ask unanimous consent to Amend section 1 (section 702), page 2, line 10 by striking out at the end of the line, with boldface brackets, the following: "[conducted by any public or charitable]"; Amend section 1 (section 702), page 2, line 11 by striking out at the beginning of the line, with boldface brackets, the word: "[organization]"; and inserting in lieu thereof the following: "owned and operated by charitable organi-

zations for the use of the public without charge"; Amend section 1 (section 702), page 2, line 13, by striking out at the end of the line, with boldface brackets, the following: "[and upon violation of]"; Amend section 1 (section 702), page 2, by striking out, with boldface brackets, lines 14 to 20, inclusive, and inserting in lieu thereof the following: "and to make any violation of such rules when posted at conspicuous places in such parks or recreational grounds punishable in a summary proceeding before any justice of the peace alderman or magistrate of the county by the payment of costs of prosecution and a fine of not less than two dollars (\$2.00) or more than ten dollars (\$10.00) and in default of the payment thereof imprisonment in the jail of the county for a period not exceeding five (5) days."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL read in place and presented to the Chair Senate Bill No. 1085, entitled:

An Act to amend clause seventeen of section two of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing defining and limiting their duties powers and liabilities, and regulating the exercise surrender or abandonment of their powers privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform to revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission

power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties fine and improvement for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by extending definition of public utility to include certain persons and corporations engaged in the business of towing motor vehicles.

Which was committed to the Committee on Public Utilities.

REPORT FROM COMMITTEE

Mr. REED. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED, from the Committee on Highways, reported as amended, Senate Bill No. 484, entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

SENATE EXPRESSES THANKS TO THE LIEUTENANT GOVERNOR SAMUEL S. LEWIS

Mr. COLEMAN offered the following resolution which was twice read:

In the Senate, June 2, 1941.

Whereas, the Members of the Senate were royally entertained at a Plank Shad Dinner with all the trimmings by the Honorable Samuel S. Lewis on last Tuesday, and

Whereas, the dinner brought many of the leaders of both parties, fraternizing with each other in a fashion symbolic of national unity, and

Whereas, legislative duties and politics were taboo, and the only "motion" approved by the presiding officer of the Senate was the one in which the Members of the Senate and guests dug into the delectable meal, and

Whereas, it was not necessary for the Lieutenant Governor to give us a dinner to impress upon us the fact that he is one of the grandest fellows in the Commonwealth, and

Whereas, the only vote recorded on the occasion was the one in which the Members of the Senate voted 50 to nothing on the "motion" that our presiding officer is a "great guy", be it

Resolved, that the Senate expresses its sincere thanks to the Honorable Samuel S. Lewis for a great day, and be it further

Resolved that a copy of this resolution be sent to the aforementioned Mr. Lewis as a memorandum of the esteem in which he is held by the Members of the Senate.

Mr. COLEMAN. Mr. President, I ask immediate adoption of the resolution.

Mr. WATKINS. I second the motion, Mr. President.

The PRESIDENT PRO TEMPORE (Senator Charles H. Ealy): Is there objection to immediate consideration of the resolution? The Chair hears none.

It has been moved by the Senator from Lackawanna, Mr. Coleman, seconded by the Senator from Schuylkill, Mr. Watkins, that the Senate adopt the resolution.

The question is

Will the Senate adopt the resolution?

It was agreed to.

The PRESIDENT. This is a surprise. The Chair believes a good time was had by all. The only thing was that the host lost his raincoat. Somebody took it by mistake—I hope.

The Chair now extends an invitation for a similar function next year.

BILL INTRODUCED

Mr. COX. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COX read in place and presented to the Chair Senate Bill No. 1086, entitled:

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service; providing that such offices shall not be considered vacant or the incumbents thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

Which was committed to the Committee on Judiciary General.

TIME OF NEXT MEETING

Mr. SNOWDEN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 2, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 9, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 9, 1941, at 8 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. HENRY I. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 469, (House Bill No. 364), on concurrence in House amendments, recalled from the Governor, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amplifying the provisions thereof as to persons entitled to such payments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 497, (House Bill No. 610), on concurrence in house amendments recalled from the Gov-

ernor, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 652, (House Bill No. 1098), on concurrence in house amendments recalled from the Governor, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to provide for the payment of the costs of maintenance of children under care of the Juvenile Court by the city or county institution district liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 46, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Detrick,	Letzler,	Stiefel,
Bartlett,	Dent,	McCreesh,	Tallman,
Becker,	Farrell,	McQuiddy,	Taylor,
Carr,	Frey,	Miller,	Thomas,
Chapman,	Geltz,	Ruth,	Walker,
Coleman,	James,	Scarlett,	Watkins,
Cox,	Jespan,	Snowden,	Wilson, T. B.,
Crowe,	Kephart,	Stevenson,	Ziesenheim,

NAYS—13

Cavalcante,
Crider,
Ealy,
Edmonds,

Haluska,
Heyburn,
Homsher,

Lanius,
Mallery,
Reed,

Tyler,
Wilson, H. I.,
Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 529, entitled:

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. HENRY I. WILSON. Mr. President, this bill is one that I reluctantly must vote against, and I feel before I cast my vote I should say a few words to justify my position as I see it.

In my opinion, this bill, relating to assessments for the fourth, fifth, sixth, seventh and eighth class counties, should not be enacted by the Legislature for the following reasons:

First. All it does is to provide for the appointment by the County Commissioners, sitting as a Board of revision of taxes to appoint a Chief Assessor, see Article 4, Section 401, page 11.

Second. It also provides for the appointment by the Board of an assistant to the Chief Assessor. See Sections 402 and 404.

Third. The offices of Chief Assessor and Assistant Assessors is in addition to the regular elected Assessors in each District as at present. See Article 5.

Fourth. No qualifications for Chief Assessors and Assistants are provided for.

Fifth. No duties are required of the Chief Assessor which are not already done by the County Commissioners.

Sixth. It would greatly increase the cost of making real estate assessments and would not better the procedure in any way. I am of the opinion that it was prepared and introduced to off-set Senate Bill No. 245.

I also want to call to your attention to the fact that the assessment laws were codified in 1933. It seems to me the time which has elapsed since the codification of the assessment laws is not sufficient to warrant such a condition as this. This is a large bill, a thirty-nine page bill, and when all is said and done, it merely helps the commissioners to have their duties done by somebody they

appoint. Now, it is not necessary to take up the time of this Senate, as I assume every Senator has read it over and knows what is behind it and how he intends to vote on it, but I cannot subscribe to the additional costs on the counties when the county commissioners will actually be back of the assessments and have these assessors do the work for them.

Another thing, Mr. President, I do not think the county commissioners in these classes of counties have nearly the amount of work to do which they have done in the past, and I feel I am in a position to know.

Mr. MALLERY. Mr. President, I desire to interrogate the gentleman from Jefferson.

The PRESIDENT. Will the gentleman from Jefferson permit himself to be interrogated?

Mr. HENRY I. WILSON. Yes, Mr. President.

Mr. MALLERY. Do I take it, Mr. President, the gentleman takes the stand that there can be no improvement in our present assessment laws?

Mr. HENRY I. WILSON. No indeed, Mr. President; I take the stand it is possible to improve them, but I wish to explain this fact, I feel that an honest effort has been made in this bill to try to improve it, but from my experience and my training I cannot subscribe to this kind of a solution of the problem, because I do not think it does solve it. I think the effort is all right and all that has been done has been commendable, but in the last analysis it puts the responsibility right back where it was before, with the county commissioners.

Mr. MALLERY. Mr. President, the bill has been on the Calendar for possibly a month. Does the gentleman from Jefferson have any suggestions in mind to improve the bill?

Mr. HENRY I. WILSON. No, Mr. President, not at the present time, because I was not called in upon it and it is a very big question. For all the years of my training, for forty-eight years, there has been more or less dissatisfaction on the question of assessments. It is a very big question, but when you come to this bill it says it must be assessed at its actual value, and what is the actual value of land today in such rural counties is in my opinion a very debatable question, and it is too convenient, and the county commissioners have so found it, and would like to put the responsibility upon somebody else whom they appoint and possibly control.

Mr. MALLERY. Mr. President, one of the points to which the gentleman from Jefferson objects, or the reason for his opposition to the bill, is that this bill is in some respects similar to a bill that is sponsored by the State Association of County Commissioners?

Mr. HENRY I. WILSON. I did not offer that part of it as a reason for being against the bill. I offered that part of it to show why this bill had been introduced. Senate Bill No. 245, as I remember it, provides that there shall be no elected assessors and as I understand it—I have an analysis here but I do not wish to go into that unless it is necessary—I simply say that this particular bill we are considering now was probably drawn up or brought about or put into its present form to offset Senate Bill No. 245. I might be wrong about that.

Mr. MALLERY. Has the Senator from Jefferson read both bills that have been referred to?

Mr. HENRY I. WILSON. Mr. President, I have only read the pink bill slightly. I have not had time to read

all of it so that I could discuss it. I can tell the gentleman what my analysis is by reading the analysis.

Mr. MALLERY. Is the Senator aware that both bills provide for the appointment by the county commissioners of a chief assessor and as many assistants as they, the commissioners, deem will be necessary.

Mr. HENRY I. WILSON. Yes, Mr. President, I realize that and I do not say either of them is a good bill. I think of the two, if I were inclined to make a choice, the bill we are now voting on would be my choice, Senate Bill No. 529; I will say that.

Mr. MALLERY. Is the Senator opposed to allowing the people who elect county commissioners and state senators and governors—is he opposed to allowing those same people to electing assessors? Does he object to that feature of this bill?

Mr. HENRY I. WILSON. Mr. President, there are some people object to it; I do not know that I do. I think that if they appoint them they have the power behind the throne, and I believe they should do that work themselves. I do not believe anybody that they could appoint would be likely to go very far contrary to the ideas of the commissioners themselves.

Besides that, Mr. President, anybody who has been elected a county commissioner and who has served in that capacity and has had the responsibilities they have had to assume, I feel should continue to assume those responsibilities until after we get through some of this trouble that is immediately ahead of us with respect to real estate values which are going to change very greatly; in fact, all other kinds of values will change, and I feel right now is not the time to create a new board and create a new expense just to find out how much the value of real estate is going to be in a district, when we have been doing that for years and years, and while it has been unsatisfactory to a certain extent, it will be no more satisfactory, because there is no real vital difference in the methods. We cannot just simply hire somebody to do the work which should be done by the county commissioners themselves.

Mr. MALLERY. Mr. President, I have not heard anyone during the time this bill has been on the Calendar state that he did not believe that there should be something done to bring about more uniformity in assessments. I think everyone will agree that in every county in the state, from fifth class counties down to and including eighth class counties, there is a great deal that can be done to bring about uniformity in assessments.

I want especially to call the attention of the Senator to this fact and ask him if the same condition does not exist in his county; I will speak of my own county, Mr. President, because I know of conditions that exist there. In my own county we have boroughs where the property will be assessed at thirty-five per cent of its real value; then we have other townships or other boroughs where the property in those townships or boroughs will be assessed at forty-five per cent of its real value, and then in Altoona the property will be assessed at seventy-five or eighty per cent of its real value. That means that certain localities in our county are not paying their just share of taxation.

Now, Mr. President, this bill was conceived by the county commissioners to remedy that very thing. That is the reason why the county commissioners suggest that we have a chief assessor, who would keep in close con-

tact and in close touch with what the assessors were doing, and then it would be the duty of the chief assessor to recommend to the Board of Commissioners, who will still sit as a Board of Appeal, that all property be assessed at the same proportion of its real value.

Mr. President, the only difference between the county commissioner's bill and this bill is that the county commissioners feel—and I do not say they are not right—they feel that in order to have a proper assessment they must have the power of appointing the assessors. That we think is too much of a change at one time. I believe that the people who elect county commissioners, the same people that elect State Senators and members of the House and the Governor, still have and should continue to have the right to appoint the assessors.

I also want to call the gentleman's attention to a resolution that was unanimously adopted by the county treasurers when they met here a few weeks ago in a state convention. They passed this resolution:

"Resolved, That the County Treasurers go on record as opposed to any and all legislation introduced in the present Legislature, which tends to remove or take away the privileges or rights, now enjoyed by the people in the various counties in the election of or voting for, all officials now elected by the people."

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barr,	Ealy,	Jaspan,	Stiefel,
Bartlett,	Edmonds,	Kephart,	Tallman,
Carr,	Farrell,	Letzler,	Taylor,
Chapman,	Frey,	Mallery,	Thomas,
Coleman,	Geltz,	McCreesh,	Wade,
Cox,	Haluska,	McQuiddy,	Walker,
Crider,	Heyburn,	Miller,	Watkins,
Crowe,	Homsher,	Scarlett,	Wilson, T. B.,
Detrick,	James,	Stevenson,	Woodward,
Dent,			

NAYS—9

Becker,	Reed,	Snowden,	Wilson, H. I.,
Cavalcante,	Ruth,	Tyler,	Ziesenheim,
Lanius,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 748, (House Bill No. 218), on final passage, entitled:

An Act to further amend section three and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale and transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein, providing for inspection of such materials and imposing penalties," by imposing additional duties on the Secretary of Agriculture and further regulating the sale, possession for sale and manufacture of insecticides and fungicides

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 818, (House Bill No. 1324), on final passage, entitled:

An Act to further amend section thirty-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying perfecting and recording birth records of certain persons whose births have not heretofore been made a public record or whose record of birth is incomplete or incorrect making such records competent legal evidence prescribing fees and imposing certain duties upon the orphans' court.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President, I have an amendment I intend to offer to this bill and I wonder if it would meet with the approval of the gentleman from Allegheny to have this amendment incorporated in this bill.

Mr. GELTZ. Mr. President, I was about to request that Senate Bill No. 904 be placed on the postponed calendar so that the amendment could be discussed and agreed to and I would suggest to the gentleman from Philadelphia, Senator Stiefel, that he withhold his amendment and see if we can not work out satisfactory amendments together.

Mr. STIEFEL. Mr. President, I do not want to see the bill placed on the postponed calendar, as I feel when a bill is placed on the postponed calendar it has one foot in the grave, you see, and I want to keep it alive. I have no objections to the proposal of the gentleman from Allegheny, but I would like first to incorporate my amendment because I spent quite a long time in preparing this amendment and I believe it will add steel to this bill.

The PRESIDENT. Of course, the gentleman from Philadelphia understands it would be necessary for the Senate to reconsider the vote by which this bill passed third reading.

RECONSIDERATION OF SENATE BILL No. 904 (HOUSE BILL No. 1543)

Mr. STIEFEL. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 904 (House Bill No. 1543) passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. STIEFEL. Mr. President, I voted "aye".

Mr. CAVALCANTE. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. CAVALCANTE. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

The PRESIDENT. What is the desire of the gentleman from Allegheny?

Mr. GELTZ. As I understand it, Mr. President, no action has yet been taken on the amendment of the gentleman from Philadelphia.

The PRESIDENT. That is correct.

Mr. GELTZ. Then, Mr. President, I have no objection to the motion I anticipate the Senator will next make.

Mr. STIEFEL. Mr. President, since the vote has been reconsidered, I now ask unanimous consent to offer amendments.

Amend title, page 1, line 6 of title, by inserting after the word "duties" the following; "and powers"; amend Sec. 2, page 4, line 14, by inserting after the word "record" the following: "The orphans' court may, at its discretion, appoint a special master to hear testimony in all matters before it under the terms and provisions of this act, and such special master shall make appropriate recommendations to the orphans' court in all cases heard by him."

On the question,

Will the Senate agree to the amendments?

Mr. THOMAS B. WILSON. Mr. President, I desire to interrogate the gentleman from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. STIEFEL. I will, Mr. President.

Mr. THOMAS B. WILSON. Mr. President, what is the purpose of relieving the Orphans Court of the duty of hearing this matter themselves?

Mr. STIEFEL. Mr. President, out of sixty-seven counties of this Commonwealth, we have about fifty counties which have no Orphans Court at all the Common Pleas Court is sitting sometimes as an Orphans Court, and in seventeen counties we have separate Orphans Courts.

In cities of the first class and other large cities in the Commonwealth, there will be an influx of applications which will demand immediate action, and I believe that immediate action is of essence to help those people who need birth certificates, and in order to expedite this matter and accelerate disposal of the cases, I have inserted an amendment to have a special master who will handle these cases and in that way help the Orphans Court to render decision as soon as possible.

Mr. THOMAS B. WILSON. Mr. President, what is the matter with the Orphans Court hearing the matters themselves and rendering decisions?

Mr. STIEFEL. Mr. President, it is estimated about fifteen thousand people in Philadelphia are in need of birth certificates. Now, if you, can imagine the work which is connected with hearing cases of this kind, in the light of so many applications, I will feel sure you can readily understand it will be impossible for the Orphans Court to cope with a situation of this kind.

Mr. THOMAS B. WILSON. Mr. President, how are the masters to be paid?

Mr. STIEFEL. Well, Mr. President, there is money.

which is going to be accumulated from the fee of two dollars and fifty cents which is to be paid and the Orphans Court will probably pay out of this money the master's fee.

Mr. THOMAS B. WILSON. Mr. President, has the experience of the gentleman from Philadelphia been that having a master appointed has hurried a decision in litigation on matters before either the Orphans Court or courts of equity of the Commonwealth?

Mr. STIEFEL. Mr. President, in answer to the inquiry of the Senator from McKean, there is going to be one master who is going to attend to all cases.

Mr. THOMAS B. WILSON. In most counties of the Commonwealth, Mr. President, the Orphans Court judge could decide these matters and then be fishing half the month.

Mr. STIEFEL. Well, Mr. President, there is a provision in this amendment it is at their discretion. That means it is not necessary for an Orphans Court judge to appoint a master. It is only where there will be an avalanche of applications upon the court.

Mr. THOMAS B. WILSON. What is the matter with the Orphans Courts themselves doing it? They draw salaries.

Mr. STIEFEL. It is optional, Mr. President, but as I say, the essence of this bill is to provide quick relief and quick relief can not be provided where you have thousands of applications.

Mr. THOMAS B. WILSON. It will not bring about quick relief by appointing masters either in the Orphans Courts, the Equity Courts or any other court.

Mr. STIEFEL. Well, Mr. President, we differ in that matter.

Mr. CAVALCANTE. Mr. President, I disagree with the gentleman from Philadelphia, Mr. Stiefel, that the money provided by this act is going to provide sufficient funds to pay masters in this matter. The act only provides for a fee of two dollars and fifty cents, fifty cents of which is to go to the state, and two dollars goes to the clerk of the Orphans Court. That money will be paid into the county treasurer, which is the law, and out of that will come the money to pay for the dockets and the other printing necessary to keep those dockets, and in addition to that, the pay of the help that is going to be needed to keep a record of these birth certificates will have to come out of that.

Now, as I understand, in some of those populated sections which the gentleman from Philadelphia talks about, Philadelphia, the master's fee would be about a hundred dollars, and this bill does not show from whence this money to pay the master is going to come and whenever an act does not say anything you have the same situation with masters in divorce cases, where the court itself will make a rule and say how much must be paid in order to have a master appointed—and then you will have this added expense upon the poor people who are trying to prove that they are born or to establish a record of their birth.

Now, Mr. President, I also have an additional objection to this bill. Even if this present amendment is voted into the bill there is still another portion that will have to be corrected before the bill makes good sense. If you will look at page three of this bill and start with line four, paragraph (q) it states: "(1) a certificate written in the English language signed by the doctor or

midwife in attendance at the birth of such person or"—the conjunction "or" follows "either" to couple up subparagraph (2), and then on line thirteen they have the conjunction "and" and that ought to be "or" instead of "and", because under that subsection (q) the bill requires an individual who wants his birth recorded to furnish one of the three alternatives enumerated under that subparagraph (q), and they have four alternatives, and at the end of each of those alternatives, on three of them you will find the alternative "or" but there on line thirteen you will find "and".

That is wrong and this bill will have to be amended again, even though you insert this very unjust amendment to it now.

Mr. TALLMAN. Mr. President, I want to confine my remarks to the amendment and I want to say apparently the gentleman from Philadelphia, Mr. Stiefel, is under some misapprehension as to the intent and meaning of the act. The whole purpose of the bill is to simplify the proceeding and to cut down the fees in connection therewith, so that an applicant for a birth certificate to the Orphans' Court may be able, by paying two dollars and fifty cents, to make his application to the clerk of the court and have the clerk present it to the court, without the necessity of the appearance of an attorney.

It seems to me it is entirely out of order to press an amendment of this kind in connection with a bill which would make it more expensive for the persons who are applying for birth certificates. I think that would normally be the situation and there would be few instances in which a hearing would be necessary. In the average case I believe if the court had any doubt at all about the propriety or the completeness of the information with which it was furnished, it could arrange to have additional information furnished.

In addition to that, the bill is quite explicit in what it requires of the applicants and I would like to ask my colleagues to vote down the amendment.

Mr. GELTZ. Mr. President, I think I can appreciate what the gentleman from Philadelphia, Mr. Stiefel, has in mind and the objection he has to the bill without this amendment, and that was the reason why I had intended to request the bill be placed on the postponed Calendar. I do not believe, however, the amendment offered by the gentleman from Philadelphia, Mr. Stiefel, will cure the difficulty which he sees in the present bill, and I think we have another suggestion in mind which would work out to better effect, without increasing the cost to the individual applicant, and I would therefore now request that the gentleman from Philadelphia, Senator Stiefel, withdraw his amendment.

Otherwise, Mr. President, I will have to request my colleagues to vote this amendment down.

Mr. REED. Mr. President, every day this subject of birth certificates is becoming more complicated and it is even hard for an attorney to follow the intricate practice that we are trying to establish in order to have a person get a birth certificate.

If this Senate would have done its honest duty in the beginning, perhaps it would not have been necessary to discuss this problem at this time. That good, old fashioned, hard-headed, practical, common sense Senator from up in Warren introduced a fine birth certificate bill in this Senate early in the Session and somehow or an-

other it got sidetracked. We should have passed that bill and taken this matter out of the courts entirely.

I have talked with Orphans' Court judges about this subject and they do not want to have anything to do with it. It is small, it is insignificant and it should be handled here in Harrisburg in a very simple way. Why is it necessary to go to all this trouble to have a person get a little birth certificate? It is ridiculous, in this age of intelligence and schooling, to go through all this maze of intricacy in order to get a little birth certificate.

Now, here we have an amendment through which they want to even further complicate it by sending the matter to a master. Mr. President, I have been practicing law for some considerable time and I have never seen a case when it was referred to a master where it was not unnecessarily delayed. If you want to get delay take a matter into court but if you want to get it further delayed, hand it on to a master and you are just one step further on.

I think what we ought to do in this Senate is to get down to the application of good old-fashioned common sense and get a bill for the establishing of a practice to get a birth certificate and pass it, get it over to the Governor and get it signed, and then drop a lot of these little bills that have to do with various phases of this procedure.

The bill introduced by the gentleman from Warren, Dr. Chapman, is a good bill and it ought to be hunted up, wherever it may be at this time, and passed, and then we can take this subject away from the Orphans' Court judges.

Mr. DENT. Mr. President, I want to refresh the memory of the gentleman from Washington and tell him the bill introduced by the gentleman from Warren, Dr. Chapman, deliberately put it into the Orphans' Court. In talking about the bill here on the Senate floor, I called attention to the fact that an individual who had made an application for a birth certificate, who was not registered by either the midwife or the doctor who attended the birth, went to a lawyer in my home town, and the lawyer told him it would take exactly \$114 to appeal the case before the Orphans Court of that county. He had to contact seven witnesses and there were many other features that had to be complied with.

Consequently, in the bill introduced by the gentleman from Warren, Senator Chapman, you have the final analysis that when you can not get it anywhere else you go to the Orphans' Court. A copy of that bill is available and we read the bill thoroughly on the Senate floor and I think the gentleman from Warren will agree with me the Orphans' Court is contained within the features of his bill. However, shaking his head will not get us anywhere. We can call up the bill and read it.

Mr. President, I want to say I am not particularly impressed with this amendment nor am I against it, but I only want to say if it will facilitate the getting of birth certificates by those individuals who are seeking employment in defense industries and must have birth certificates, I am for any kind of amendments or any kind of a bill.

It has been stated here on the Senate floor there are many complications entailed in the getting of a birth certificate under this bill, and this is going to require additional clerks in the court house or the commission-

er's office or the office of the register of wills, whichever office handles it, and if it is going to take additional clerks and if it is going to take \$2.50 per person, for additional employment and expenses to get that birth certificate for an individual, it seems to me as a layman it is common sense to believe that an Orphans' Court judge is going to be swamped with work and will not be able to do the work without some positive power to delegate the work to somebody else, a master if necessary.

I want to say to you gentlemen we have dilly-dallied with this situation since the beginning of the session. A man came to my home Saturday night—he was home from Detroit over the holidays—and he started a year and a half ago to get a birth certificate. He happens to be working in a defense industry and because of the fact that he has worked for sixteen or seventeen years they have allowed him to continue to work, but every month or so they demand that birth certificate, and if the Federal Government ever cracks down that man will be out of work. He was born after 1906 over here and he has sent his application in to the department and the last result he got was a nasty letter, and I want to say to you I have asked him to send me the letter because I am going to read it to this Senate, because from his explanation it is certainly improper for any official of this state to write letters such as he claims he received.

In the beginning I said, and I say again, this matter should rest in the hands of the Register of Wills back home in the county. He is the proper person to handle this situation. There was a bill introduced calling for a fee of two dollars for obtaining a birth certificate, one dollar of which was to remain in the office of the Register of Wills for expenses and one dollar for registry. Well, they laughed at it and said it was not a good bill. You do not want it in the Register of Wills office, you do not want it in Harrisburg, you do not want it in the Orphans' Court. Will somebody tell me where you do want it and what you are going to do about those individuals who are born, because they are here, it is not necessary to prove they are born, and now they can not get proof that they were born. I think it is silly.

Mr. STIEFEL. Mr. President, I can understand the remarks of the gentleman from Washington. If I was living in a rural community, where the judge knows all the people and knows each member of such community, then he could safely issue that certificate because he knows the background of the applicant, but in Philadelphia with its millions of residents, if you open the flood gates and admit all kinds of evidence, that will be a royal road to forged instruments and the getting of citizenship in the United States without any effort whatsoever.

That is the reason why in metropolitan districts like Philadelphia and Pittsburgh you must be very careful in sifting evidence that will be presented in order to get birth certificates, and eventually get citizenship in the United States.

No judge will take the responsibility of passing upon slipshod evidence, and for that reason you must insert in this bill a certain apparatus whereby you can be sure as to whether or not an applicant is a bona fide citizen of the United States.

Mr. GELTZ. Mr. President, I agree with the remarks

of the gentleman from Washington, particularly those when he said the bill introduced by the gentleman from Warren was a very good bill, and that is why I can not understand why it is necessary for us to consider another bill of this kind, because we passed in the Senate the bill introduced by the gentleman from Warren on the twelfth day of March and sent it over to the House. That bill is just like a great many other bills, good bills as well as mediocre bills, that are stymied over in the House, needed bills, bills which are not only necessary for a few individuals but also in connection with the defense program, and yet they fail to act.

Mr. COLEMAN. Mr. President, I think the implied motive behind the introduction of the amendment by the gentleman from Philadelphia, Mr. Stiefel, is a desire to expedite the issuance of birth certificates.

MOTION THAT BILL AND AMENDMENT BE LAID ON THE TABLE

Mr. COLEMAN. Mr. President, without going into the merits or demerits of the amendment proposed by the gentleman from Philadelphia, I now move the bill and the amendment lay on the table, at least until tomorrow, until the interested parties can get together, and I suggest to those interested in this bill that they make a microscopic examination of the bill introduced by the gentleman from Warren, Dr. Chapman, which the Senate passed some time ago, and I think they will find there is no appreciable difference.

I now move, Mr. President, that the bill and the amendment lay on the table.

Mr. STIEFEL. I second the motion, Mr. President.

The PRESIDENT. The Senate must first dispose of the amendment. That is the only thing now before the Senate, the amendment introduced by the gentleman from Philadelphia.

POINT OF ORDER

Mr. COLEMAN. Mr. President, I rise on a point of order.

The PRESIDENT. The gentleman from Lackawanna will state his point of order.

Mr. COLEMAN. I submit, Mr. President, a motion to lay on the table is not debatable and is in order. I am asking that the amendment and the bill be laid on the table. That is a perfectly proper motion.

The PRESIDENT. There is only one matter before the Senate and that is the amendment introduced by the gentleman from Philadelphia. The question now before the Senate is whether the Senate will lay the amendment on the table or adopt it or disapprove it. After that has been disposed of then a motion to lay the bill on the table would be in order.

The question is on the amendment.

Mr. WADE. Mr. President, is it in order to ask for a re-reading of the amendment?

The PRESIDENT. If there is no objection the clerk will re-read the amendment for the information of the Senators.

(The amendment was read.)

Mr. COLEMAN. Mr. President, I press my point of order. In the event the Senate votes on the motion to lay the amendment on the table and the motion is defeated and the Senate subsequently passes the bill, my

motion, which is for the purpose of saving of the amendment, is licked.

Accordingly, Mr. President, I still press my point of order that I am perfectly in order in making a motion that the amendment and the bill be laid on the table.

I call to the Chair's attention the fact that some five or six weeks ago a similar motion was made and similar action was taken on a bill sponsored by the gentleman from Cumberland, Mr. Wade, I think. That was temporarily laid on the table until such time as the Chair rendered a decision on the amendment submitted by the Senator, at the time the gentleman from Philadelphia raised a point of order that the amendment changed the effect of the bill. A motion was then made, and passed the Senate, that the bill and the amendment be laid on the table for the purpose of having the Presiding Officer delve into the matter of the constitutionality of the bill.

Mr. President, I submit I am still in order; that a motion to table the bill and the amendment is definitely in order.

The PRESIDENT. The point of order of the gentleman from Lackawanna is not well taken. A proper disposition of the matter would be to lay the amendment on the table and permit the bill to go over in its order. The bill and the amendment both would then be in status quo.

Mr. STIEFEL. Mr. President, I believe that my amendment has given some food for thought so I have accomplished, if not entirely what I wanted to accomplish, at least some part of it.

Accordingly, Mr. President, I move that my amendment be withdrawn temporarily.

The PRESIDENT. A motion is not necessary. The Senator may withdraw the amendment.

AMENDMENT WITHDRAWN

Mr. STIEFEL. Mr. President, I withdraw the amendment.

The PRESIDENT. The bill is now on third reading.

Mr. GELTZ. Mr. President, is it the intention of the Chair to take a vote on the bill?

The PRESIDENT. If that is the desire of the Senate.

MOTION TO PLACE SENATE BILL No. 904 ON THE POSTPONED CALENDAR

Mr. GELTZ. Mr. President, I now move that Senate Bill No. 904 be placed on the postponed calendar.

Mr. HEYBURN. I second the motion, Mr. President.

Mr. MILLER. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I believe proper procedure, in view of the interest in this matter, would be to have the bill go over in its order. There is no necessity of putting it on the postponed calendar and then require the vote by which it passed third reading be reconsidered, and then reconsider the vote by which it passed second reading. If the bill goes over in its order it will serve the same purpose as going on the postponed calendar but if it is on the postponed calendar then it comes closer to death.

The PRESIDENT. For the information of the Senator from Westmoreland, if the motion is carried, the bill will

appear on the third reading postponed calendar. The Senate reconsidered the vote by which this bill passed third reading.

POINT OF INFORMATION

Mr. DENT. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Then, Mr. President, by our action here today we have lost a calendar day on this bill.

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, I think the thing to do would be to at least put the bill in the position where it was when we came in the Senate today. It seems we are legislating backwards here today.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Fayette may proceed.

Mr. CAVALCANTE. Mr. President, this bill appears on the Calendar for final passage, not for third reading.

The PRESIDENT. The vote by which it passed third reading was reconsidered.

Mr. CAVALCANTE. Final passage, Mr. President. It is on final passage.

The PRESIDENT. It appears on the final passage Calendar for today.

Mr. CAVALCANTE. Then there was a motion to reconsider the vote by which it passed third reading?

The PRESIDENT. That is correct.

Mr. CAVALCANTE. Then, Mr. President, it will be placed on the third reading Calendar again. It will be on third reading.

The PRESIDENT. The point of order raised by the gentleman from Fayette is correct. The bill will be on the third reading calendar.

MOTION RENEWED

Mr. GELTZ. Mr. President, I renew my motion that Senate Bill No. 904 be placed on the postponed calendar.

Mr. JAMES. I second the motion, Mr. President.

POINT OF INFORMATION

Mr. DENT. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Westmoreland will proceed.

Mr. DENT. Mr. President, is the motion to place the bill on the third reading postponed calendar?

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, I am still going to vote "no", and ask for a roll call.

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Cambria will proceed.

Mr. HALUSKA. Mr. President, was there a vote taken on the motion to place Senate Bill No. 904 on the postponed calendar?

The PRESIDENT. No.

Mr. HALUSKA. Mr. President, the gentleman from Westmoreland asked for a roll call.

The PRESIDENT. The Senator from Westmoreland insists on a roll call on the motion to place Senate Bill No. 904 on the postponed calendar.

The yeas and nays were required by Mr. DENT and Mr. HALUSKA and were as follows, viz:

YEAS—36

Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	Miller,	Tyler,
Carr,	Frey,	Reed,	Wade,
Cavalcante,	Geltz,	Scarlett,	Walker,
Chapman,	Heyburn,	Snowden,	Watkins,
Crider,	Homsher,	Stevenson,	Wilson, H. I.,
Crowe,	James,	Stiefel,	Wilson, T. B.,
Deitrick,	Kephart,	Tallman,	Woodward,
Ealy,	Letzler,	Taylor,	Ziesenheim,

NAYS—11

Barr,	Dent,	Jaspan,	McQuiddy,
Coleman,	DiSilvestro,	Lanius,	Ruth,
Cox,	Haluska,	McCreesh,	

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 56, as follows:

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Public Instruction shall designate a week during each year and prescribe a uniform course of exercises to be carried out during that week in the public schools to instill into the minds of the pupils thereof the purpose meaning and importance of that portion of the Constitutions of the United States and of this Commonwealth known as the "Bill of Rights" Such exercises shall be in addition to the prescribed courses of study in such schools

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Ealy,	Letzler,	Taylor,
Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 174, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class and second class A and third class as state highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purpose of this act" by establishing additional routes in the City of Erie

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the city streets adopted as state highways in the City of Erie by the act to which this is a supplement the following section of city streets in said city are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Commencing at the intersection of East Twelfth Street with Parade Street thence over East Twelfth Street in an easterly direction to the intersection of East Twelfth Street with Franklin Avenue thence over Franklin Avenue in a northerly direction to East Lake Road otherwise known as Route number five at a distance of about 2.8 miles

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I desire to interrogate the sponsor of the bill, the gentleman from Erie, Mr. Ziesenheim.

The PRESIDENT. Will the gentleman from Erie permit himself to be interrogated?

Mr. ZIESENHEIM. Yes, Mr. President.

Mr. DENT. Mr. President, is it the intent of this bill to take over certain streets in the City of Erie and put them in the state highway system?

Mr. ZIESENHEIM. My understanding, Mr. President, is that Congress has passed a bill appropriating \$150,000,000 to be used for building access roads or bridges leading to plants engaged in the national defense program. The thought behind this bill is if it becomes a part of the state system it then becomes eligible for this federal appropriation and we have had assurance federal money will be used for that purpose, to improve

two and eight-tenths mile of road leading to the General Electric Company plant in Erie, where twelve thousand men will shortly be engaged in producing materials and supplies for the Navy.

Mr. DENT. The answer, Mr. President, as I take it is "yes".

Mr. ZIESENHEIM. That is correct, Mr. President.

Mr. DENT. Mr. President, the reason I ask the question was that in 1937 and 1939 I tried repeatedly to get city streets of the City of Jeanette back in the highway system where they belong. The City of Jeanette was a borough, and by the will of the people, and by their votes, it was changed from a borough to a third class city form of government.

Under the laws as I understand them, streets which were part of that borough belonged to the highway system, but they reverted back to the ownership of the city. I have repeatedly introduced bills to take those same streets and put them back in the state system in order that this one city in the State of Pennsylvania would be allowed to receive some share of the motor license fund and the state tax on gasoline for repairs, maintenance and so forth. The bill has been pickled repeatedly on the ground that we are not taking over additional city streets.

Mr. President, I am now in the position of having to vote for this bill, because of national defense. You know we make rubber tires in the City of Jeanette for a lot of defense trucks and trailers, and perhaps some of these days we might be able to get some of that money in order that three thousand people working there might be able to get to their work, and I think it is mighty unfair not to take streets which rightfully belong to the state in the City of Jeanette.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Tallman,
Bartlett,	Ealy,	Letzler,	Taylor,
Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Detrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties cities boroughs incorporated towns and townships to appropriate money for the

establishment or continuance of Federal Surplus Commodities Stamp plans therein and to borrow money and issue bonds for said purpose

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMAS. Mr. President, I ask permission to offer amendments.

The PRESIDENT. Is there objection?

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Mercer.

The PRESIDENT. Will the gentleman from Mercer permit himself to be interrogated?

Mr. THOMAS. Yes, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman from Mercer the intent of the amendments?

Mr. THOMAS. Mr. President, these amendments were sent over by the Department of Public Assistance and I am not familiar with the contents of them whatever.

Mr. COLEMAN. Mr. President, I did not hear the statement of the gentleman from Mercer.

Mr. THOMAS. I said, Mr. President, the amendments were sent over by the Department of Public Assistance.

Mr. COLEMAN. Mr. President, I understand from the majority Floor Leader that we are going to recess now, pending disposition of this proposition, until ten p. m. standard time tonight. I would like the members on the minority side particularly, to have an opportunity to examine the amendments and I wonder if the gentleman will permit the bill to go over in its order until such time as we have had an opportunity to determine just what the amendments do.

Mr. THOMAS. Mr. President, I thought if we had the amendments printed in the bill we would have an opportunity to study the bill. It will not be up until tomorrow.

Mr. COLEMAN. Mr. President, the difficulty with that is that I found out very early in my legislative experience all you need is the votes in this legislative game, and I feel we are justified in being a little suspicious, because if the amendments are in the bill we would have some difficulty in trying to "jimmy" them out of the bill and for that reason, Mr. President, I object to the insertion of the amendments in the bill and I ask the gentleman to show the courtesy of giving us an opportunity to examine them.

Mr. THOMAS. That is agreeable with me, Mr. President.

The PRESIDENT. The Chair understands it is the intention that this bill go over in order, in its present status, until after the expiration of the recess. Is that correct?

Mr. THOMAS. That is correct, Mr. President. I withdraw the amendments temporarily and then the bill can go over in its order until after the recess.

BILL OVER IN ORDER

Mr. THOMAS. Mr. President, I ask unanimous consent that Senate Bill No. 292, (House Bill No. 382), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 351, as follows:

An Act authorizing the sheriffs in counties of the sixth seventh and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county and prescribing the duties and limiting the compensation of such solicitors

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In the several counties of the sixth seventh and eighth classes the sheriff shall have the power to appoint one person learned in the law as his solicitor subject to approval of the board of county commissioners who may be dismissed at his pleasure Such solicitor shall advise the sheriff upon all legal matters pertaining to his office that may be raised from time to time and conduct any necessary litigation connected therewith at the request of the sheriff

Section 2 The salaries of such solicitors shall be fixed from time to time by the salary board or county commissioners whichever may be authorized to fix the compensation of other county employees and shall be paid by the proper county in the same manner as deputy sheriffs are paid as a necessary expense for the conduct of the sheriff's office Provided That said salary shall not exceed six hundred dollars (\$600) in any county of the sixth class five hundred dollars (\$500) in any county of the seventh class and four hundred dollars (\$400) in any county of the eighth class

Section 3 All acts or parts of acts general special or local inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Edmonds.	Mallery.	Tallman.
Becker.	Farrell.	McCreesh	Taylor.
Chapman,	Frey.	McQuiddy	Thomas.
Coleman,	Geltz.	Miller,	Tyler.
Cox,	James,	Ruth,	Walker.
Deltrick,	Jaspan	Scarlett.	Watkins.
Dent,	Kephart.	Stevenson.	Wilson, T. B.,
DiSilvestro,	Letzler.	Stiefel,	Ziesenheim.

NAYS—15

Bartlett.	Crowe.	Homsher.	Wade.
Carr	Ealy	Lanius,	Wilson, H. L.
Cavalcante	Haluska.	Reed,	Woodward,
Crider.	Heyburn.	Snowden.	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 10:00 o'clock p. m. E.S.T.

Mr. SCARLETT. Mr. President, I second the motion.
The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. JASPAN. Mr. President, as a member of the famous trio of K. O. Haluska, two-ton Tony DiSilvestro and myself, I feel it is important to call attention of the Senate to two articles appearing in Philadelphia newspapers.

Music, to my mind, consists of rhythm, melody and words and probably sound and of the latter, sound, we have been getting more than our share lately. Strangely enough, Mr. President, the Legislature has lately become music minded. Accordingly state songs have been proposed and in this connection I feel I would be remiss in my duty if I did not read these articles, as appearing in the Philadelphia newspapers. Only last week on this floor there was considerable discussion about those songs. Now, Mr. President, I shall read from an article appearing in the Philadelphia Evening Bulletin.

MUSICAL IMPASSE

Because the House is Democratic and the Senate Republican, affairs of state at Harrisburg go forward slowly these days, if at all. Among other partisan problems that will have to be ironed out is the question of adopting a State song of Pennsylvania.

House Bill No. 1275 names for this honor "The Rolling Hills of Pennsylvania," composed by a lady of Pittsburgh. It runs, in part:

"The azure skies reflect the flames
Of our factories and mills
Our farms are finest in the land
Nestled in the fair foothills."

Senate Bill No. 1005, on the other hand, nominates an anthem by a musical poetess of Churchill Borough, who sings:

"There is beauty in your mountains
There is peace upon your hills
And where'er I roam my only home
is Pennsylvania
Pennsylvania we thrill with pride
to be your local descendants
Pennsylvania all hail to you the
foundation of independence."

Somehow, a conference committee will have to meld these two compositions into one satisfactory to both parties. And for the independent, let them tuck into the final result an extra couplet, say:

"Keystone State, I give three cheers to you,
But not to politics, which makes me blue."

Now, Mr. President, I now read from an article appearing in the Philadelphia Inquirer, which is as follows:

"But we have a song which the Legislature should adopt for its own official use. It was alluded to earlier in this piece, and, to the best of our recollection goes as follows, to wit:

Don't take me home, please
Dont take me home.
Tell me, what did I do to you?
Oh, Oh, Oh, have a little pity!
I'm a poor, married man,
In search of peace I roam;
I'm with you in anything you do
But don't take me home."

Mr. President, before this session is over I hope that our trio, K. O. Haluska, two-ton Tony DiSilvestro and myself, will render these scores for you. Thank you.

BILL INTRODUCED

Mr. LETZLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objections? The Chair hears none.

Mr. LETZLER read in place and presented to the Chair Senate Bill No. 1087, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

Which was committed to the Committee on State Government.

REPORT FROM COMMITTEE

Mr. THOMAS B. WILSON, Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON from the Committee on State Government reported as committed, Senate Bill No. 1052, (House Bill No. 849), entitled:

An Act to further amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five, (P. L. 1356), entitled, "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties;" further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon state, city, and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

SENATE BILL No. 1018 ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 1018, on third reading and final passage, on Page 14 of the Calendar.

Mr. TAYLOR. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1018, as follows:

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and

employees in the interim between the thirty-first day of May one thousand nine hundred forty-one and such time as the funds provided by The General Appropriation Act of one thousand nine hundred forty-one becomes available.

Whereas Under the Constitution and the laws of this Commonwealth the State Treasurer may not pay out any moneys unless they be specifically appropriated by Act of the General Assembly and

Whereas The laws of this Commonwealth provide that State officers and employees shall be paid semi-monthly on the first and fifteenth days of each month

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of two million dollars \$(2,000,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the State Treasurer of the Commonwealth of Pennsylvania for the purpose of paying the salaries of the officers and employees of the executive and legislative branches of the State government in the interim between the thirty-first day of May one thousand nine hundred forty-one and such time as moneys appropriated by The General Appropriation Act of one thousand nine hundred forty-one may become available for such purposes

Section 2 Payments out of the appropriation of this act shall be made by the State Treasurer upon requisitions by the several departments boards commissions or officers in the same manner as payments of salaries are ordinarily made

Section 3 All amounts paid by the State Treasurer in accordance with this act shall be charged against the appropriations made for the salaries of the officers and employees of the executive and legislative departments in The General Appropriation Act of one thousand nine hundred forty-one

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stiefel.
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery	Taylor,
Carr,	Farrell,	McCreesh.	Thomas,
Cavalcante,	Frey,	McQuiddy.	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska.	Mundy,	Walker,
Cox,	Heyburn.	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO PROCEED TO SENATE BILLS ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to the consideration of all Senate Bills on third reading not previously acted on today.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 444, on third reading, entitled:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, abolishing County of Philadelphia as a separate political entity; and providing for administering of county functions by City of Philadelphia.

be recommitted to the Committee on Constitutional Changes.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 463, as follows:

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" as amended by the act approved the ninth day of June one thousand nine hundred thirty-one (P. L. 401) are hereby further amended to read as follows

Section 1 That the Department of Highways the Pennsylvania Turnpike Commission or any county of the first class or township which is responsible for the maintenance of any public road highway or turnpike shall have authority to enter upon private property adjacent to such public road highway or turnpike and place thereon snow fence at any point as may be deemed necessary to within a limit of one hundred (100) feet from the right-of-way line of such public road highway or turnpike in order to eliminate snow drifting or the traveled portion of the public road highway or turnpike

Section 3 If the authorities responsible for the maintenance of the public road highway or turnpike shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed the owner may petition the court of the proper county for the appointment of viewers to ascertain the amount of damage incurred in such case The appointment of viewers shall be governed and be in accordance with existing laws relative to the appointment of viewers for the ascertaining of damages to private property due to a relocation of a state highway Such damages if any when ascertained shall be paid by

the authorities responsible for the maintenance of the public road highway or turnpike and any funds available to the Department of Highways or any county of the first class or township for the construction and maintenance of public roads highways or turnpikes under their supervision shall be available for the payment of such damages. The maintenance fund available to the Pennsylvania Turnpike Commission for the maintenance of the Turnpike or any extension thereof or any connecting roads constructed by the Pennsylvania Turnpike Commission shall be available for the payment of such damages.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius.	Stiefel.
Bartlett,	Ealy.	Letzler.	Tallman,
Becker,	Edmonds,	Mallery.	Taylor,
Carr,	Farrell,	McCreesh.	Thomas,
Cavalcante,	Frey,	McQuiddy.	Tyler,
Chapman,	Geltz,	Miller.	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth.	Wilson, H. I.,
Crowe,	James,	Scarlett.	Wilson, T. B.,
Deitrick,	Jaspan.	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, with the consent of the sponsor, I move that Senate Bill No. 467, on third reading, entitled:

An Act authorizing the Secretary of Highways to establish, construct and maintain parallel or approximately parallel State highways in townships, boroughs, incorporated towns and cities in certain cases; providing for the payment of property damages resulting therefrom; and authorizing the Secretary of Highways to control the direction of the flow of traffic thereover.

be recommitted to the Committee on Highways.

Mr. SNOWDEN. Mr. President, I second the motion. The motion was agreed to.

Mr. GELTZ. Mr. President, with the consent of the sponsor I move that Senate Bill No. 482, on third reading, entitled:

An Act to further amend section one of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 392), entitled "An act providing that highways, or sections thereof, abandoned as State highway routes, shall revert for maintenance to the party or parties responsible for the maintenance of said highways prior to their coming under the jurisdiction of the Department of Highways," by providing that sections of highways abandoned by relocation shall be maintained by and at the expense of the township, borough, incorporated town or city wherein they are located, and by adding a new section to provide that portions or sec-

tions of the old highway which are not included within the changed, altered or established widths, shall be considered vacated if such portions or sections are not of the full width of the highway as previously established.

be recommitted to the Committee on Highways.

Mr. SNOWDEN. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 560, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain old legacies, with notice by publication but without issuance of a citation.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. HOMSHER. Mr. President, I ask unanimous consent that to Amend Section 1 (subsection 3), page 4, line 24, by striking out after the word "of" and before the word "years" the words "one hundred" and inserting in lieu thereof the word: "fifty"; Amend Section 1 (subsection 3), page 4, line 25, by striking out before the word "elapsed" the word "have" and inserting in lieu thereof the word: "has"; Amend Section 1 (subsection 3), page 4, line 25, by striking out after the word "of" the words "a legacy charge upon" and inserting in lieu thereof the words: "such dower legacy or other"; Amend Section 1 (subsection 3), page 4, line 26, by striking out before the word "has" the word "land" and inserting in lieu thereof the word: "charge"; Amend Section 1 (subsection 3), page 4, line 26, by striking out after the word "payment" the word "nor" and inserting in lieu thereof the word: "or"; Amend Sec-

tion 1 (subsection 3), page 4, line 28, by striking out after the word "of" and before the word "and" the words "such charge" and inserting in lieu thereof the words: "the same"; Amend Section 1 (subsection 3), page 5, line 10, by inserting after the word "purpose" and before the word "a" the words: "if any"; Amend Section 1 (subsection 3), page 5, line 11, by striking out after the word "court" and before the word "hear" the word "shall" and inserting in lieu thereof the word: "will"; Amend Section 1 (subsection 3), page 5, lines 12, 13, 14, 15, 16, and 17, by striking out all of said lines after the word "discharge" and inserting in lieu thereof the words: "such dower legacy or other charge and"; Amend Section 1 (subsection 3), page 5, line 20, by inserting after the word "court" and before the word "and" the words: "having jurisdiction of said proceedings"; Amend Section 1 (subsection 3), page 5, line 21, by striking out before the word "against" the words: "[under such will]"; Amend Section 1 (subsection 3), page 5, line 23, by striking out after the word "land" and before the word "not" the word "shall" and inserting in lieu thereof the word: "should"; Amend Section 1 (subsection 3), page 5, line 24, by inserting after the word "such" and before the word "legacy" the word: "dower"; Amend Section 1 (subsection 3), page 5, line 24, by adding after the word "legacy" the words: "or other charge."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 601, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania is hereby proposed in accordance with the eighteenth article thereof

That section one article nine of the Constitution of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines

Uniformity shall not be required in the case of income inheritance estate and other excise taxes which may be graded or graduated and provide for exemptions but all such taxes shall be levied and collected under general laws In case a personal income tax shall be imposed at a time when a tax is also imposed on intangible personal property by a personal property tax law a credit shall be

allowed against the income tax for taxes paid on such personal property

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Dent,	Lanier,	Stiefel,
Bartlett,	DiSilvestro,	Letzler,	Tallman,
Becker,	Ealy,	Mallery,	Taylor,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante,	Farrell,	McQuiddy,	Tyler,
Chapman,	Frey,	Miller,	Wade,
Coleman,	Geltz,	Mundy,	Walker,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, T. B.,
Crowe,	Homsher,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevensbn,	

NAYS—5

James,	Reed,	Wilson, H. L.,	Ziesenheim,
Jaspan,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants

and employes of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 667, as follows:

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the Eighteenth Article thereof

That Article Nine of the Constitution be amended by adding thereto Section eighteen as follows

Section 18 All proceeds from gasoline and other motor fuel excise taxes motor vehicle registration fees and license taxes operators' license fees and other excise taxes imposed on products used in motor transportation after providing therefrom for (a) costs of administration and collection (b) payment of obligations incurred in the construction and reconstruction of public highways and bridges shall be appropriated and used under the direction or supervision or both of an agency of the state solely for construction reconstruction maintenance and repair of and safety on public highways and bridges and air navigation facilities and costs and expenses incident thereto and shall not be diverted by transfer or otherwise to any other purpose except that loans may be made by the state from the proceeds of such taxes and fees for a single period not exceeding eight months but no such loan shall be made within the period of one year from any preceding loan and every loan made in any fiscal year shall be repayable within one month after the beginning of the next fiscal year

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 697, as follows:

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That section one of article nine of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 All property taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws but the General Assembly may by general laws exempt from taxation public property used for public purposes actual places of religious worship places of burial not used or held for private or corporate profit institutions of purely public charity and real and personal property owned occupied and used by any branch post or camp of honorably discharged soldiers sailors and marines Uniformity shall not be required in the case of income gift and inheritance taxes which may be graded or graduated and provide for exemption but all such taxes shall be levied and collected under general laws

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

(Following the calling of the roll:)

Mr. COLEMAN. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk called the affirmative votes as follows:

Barr,	DiSilvestro,	Jaspan,	Reed,
Cavalcante,	Ealy,	Kephart,	Ruth,
Coleman,	Edmonds,	Letzler,	Stiefel,
Cox,	Farrell,	Mallery,	Tallman,
Crider,	Frey,	McCreesh,	Walker,
Crowe,	Haluska,	McQuiddy,	Woodward,
Deltrick,	Heyburn,	Miller,	Ziesenheim,
Dent,	Homsher,	Mundy,	

The PRESIDENT. Are there any corrections?

Mr. JASPAN. Mr. President, I desire to be recorded as voting "aye".

The PRESIDENT. It will be so recorded. The affirmative vote will stand as verified.

The Clerk called the names of those voting in the negative as follows:

Bartlett,	James,	Thomas,	Watkins,
Becker,	Scarlett,	Tyler,	Wilson, H. I.,
Chapman,	Snowden,	Wade,	Wilson, T. B.,
Geltz,	Taylor,		

The PRESIDENT. Are there any corrections. The Chair hears none.

The roll will stand as verified. Affirmative 31—Negative 14.

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Barr,	DiSilvestro,	Jaspan,	Reed,
Cavalcante,	Ealy,	Kephart,	Ruth,
Coleman,	Edmonds,	Letzler,	Stiefel,

Cox,
Crider,
Crowe,
Deitrick
Dent,

Farrell,
Frey,
Haluska,
Heyburn,
Homsher,

Mallery,
McCreesh,
McQuiddy,
Miller,
Mundy,

Tallman,
Walker,
Woodward,
Ziesenheim,

NAYS—14

Bartlett,
Becker,
Chapman,
Geltz,

James,
Scarlett,
Snowden,
Taylor,

Thomas,
Tyler,
Wade,

Watkins,
Wilson, H. I.,
Wilson, T. B.,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. COLEMAN. Mr. President, the vote on the Ruth amendment to the Constitution for a graduated income tax suggests to me that many members of the Senate obviously are voting under a misapprehension. The vote on a bill introduced by the gentleman from Philadelphia, Senator Woodward, which was a similar proposition, passed and the vote just taken was 31 to 14.

I think, Mr. President, there are some members of the Senate that do not know—at least I know on our side a suggestion was made that we consider only Senate Bills, and I think they are following the Calendar and several of them have voted on the assumption we are following the Calendar in its order.

I think that ought to be clearly stated so that the members of the Senate know definitely what bill they are voting on.

The PRESIDENT. The Chair did state on at least two occasions we were considering only Senate bills; and we have been considering only Senate bills.

BILL RECOMMENDED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 787, on third reading, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, or reform, revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or aboli-

tion of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violation of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

be recommitted to the Committee on Public Utilities.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 801, as follows:

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any board of school directors of any school district shall have heretofore contracted for labor materials and supplies for the school district the purchase of which by contract is authorized under the provisions of the school laws of the Commonwealth and such board of school directors has actually received such labor materials and supplies and the same are being used by the school district if the said contract does not evidence any fraud or conspiracy to violate the provisions of the school laws of the Commonwealth and the school district has not suffered any pecuniary loss as the result of such contract then such contract shall be valid and binding on the school district and payment for such labor materials and supplies by the school district is hereby authorized ratified confirmed and validated notwithstanding the fact that such contract was legally null and void by reason of the failure to advertise for bids or by reason of defect in the advertising or by reason of any other defect in compliance with or in the failure or omission to comply with the school laws of this Commonwealth regulating the award of contracts for such labor materials and supplies

No board of school directors nor any members thereof shall be subject to surcharge for payments made by any board of school directors on any such contract

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Carr,	Farrell,	McQuiddy,	Stiefel,
Cavalcante,	Haluska,	Miller,	Taylor,
Coleman,	Pomsher,	Mundy,	Tyler,
Cox,	James,	Reed,	Walker,
Detrick,	Jaspan,	Ruth,	Watkins,
DiSilvestro,	Letzler,	Scarlett,	Woodward,
Ealy,	Mallery,	Snowden,	Ziesenheim,
Edmonds,	McCreesh,	Stevenson,	

NAYS—15

Barr,	Crider,	Heyburn,	Wade,
Bartlett,	Crowe,	Kephart,	Willson, H. I.,
Becker,	Frey,	Tallman,	Wilson, T. B.,
Chapman,	Geltz,	Thomas,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. WOODWARD. Mr. President, I ask unanimous consent that Senate Bill No. 888, on third reading, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County

go over in its order.

The PRESIDENT. Is there objection

On the question,

Will the Senate agree to the motion

Mr. WOODWARD. Mr. President, in the absence of my distinguished colleague from Philadelphia, Mr. Shapiro, I dislike to abolish his Court Number 7 in his absence, and I therefore would like to reserve any remarks I have to make until he is present, but I would like to make one additional remark.

This bill is No. 888 and I have another amendment, No. 444, which has been—well, it has disappeared, and I simply want to say as an epitaph I hold in my hand the Sterling figures of the cost of Common Pleas Court Number 7 to the Commonwealth and to the county of Philadelphia. There is one item here of furnishings of \$51,271, paid by mandamus. That is a beautiful illustration of what we were trying to do, by passing Bill No. 444, to abolish dual government in Philadelphia, because this points a moral that any county department in Philadelphia can get all the money it needs by mandamus, because we have dual government. Hence these tears.

Mr. DiSILVESTRO. Mr. President, I desire to interrogate the gentleman from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated

Mr. WOODWARD. Yes, Mr. President.

Mr. DiSILVESTRO. Mr. President, am I to understand the Senator from Philadelphia wishes to put this bill over in its order

Mr. WOODWARD. That is what I intended to ask, Mr. President.

Mr. DiSILVESTRO. Mr. President, isn't it a fact the gentleman from Philadelphia felt this bill should have been sent back to committee on second reading?

Mr. WOODWARD. It is all the fault of Senator Shapiro for not being here.

Mr. DiSILVESTRO. Does the Senator from Philadelphia, Mr. Woodward believe one man can hold up the mechanics and the approval of the Senate?

Mr. WOODWARD. Oh, often, yes.

Mr. DiSILVESTRO. Mr. President, I do not agree with the Senator from Philadelphia and I feel that prolonging the decision on this bill, either the passage or the defeat of the bill, seems to me to imply propaganda on the part of my colleague from Philadelphia in order to discredit the three gentlemen who are judges of the Court of Common Pleas No. 7 and I do not think it is proper or fair.

We have the utmost confidence in our judiciary and I do not think the Senator from Philadelphia should make such a big joke out of this matter. If he feels the court should be dropped I would like to see this bill put to a vote tonight.

Mr. WOODWARD. Mr. President, may I say another word? I am not making a joke out of the bill at all, but I do not wish to be discourteous to my Democratic colleague from Philadelphia, Mr. Shapiro.

Mr. STIEFEL. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. STIEFEL. Mr. President, what was the cause of printing on the Calendar time and time again the title of Senate Bill No. 888?

Mr. WOODWARD. Well, Mr. President, as compared with the cost of Common Pleas Court number 7 it is but a drop.

Mr. STIEFEL. Mr. President, does the gentleman from Philadelphia believe in the principle of economy in government?

Mr. WOODWARD. Mr. President, I accept that very nice gentlemanly rebuke.

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. WOODWARD. Yes, Mr. President.

Mr. JASPAN. Mr. President, am I to understand our friend from Philadelphia, Senator Shapiro, has lost favor with the Court of Common Pleas Number 7 and in order to re-establish himself has asked the gentleman from Philadelphia to drop this bill?

Mr. WOODWARD. Mr. President, I had only one little conversation with Senator Shapiro about this bill and from his remarks I thought possibly he wanted to stand up in the Senate and confess he had been in error when he organized this court and I wanted to give him that opportunity of confessing his mistake and of joining hands with me to rectify the mistake by abolishing his court.

Mr. JASPAN. Mr. President, I do not think the gentle-

man has answered my question. I insist upon an answer. If he can not answer let him say so.

Mr. WOODWARD. Mr. President, I can not answer for the gentleman from Philadelphia, Mr. Shapiro, and I only hope he will be here tomorrow. I can not answer for Senator Shapiro.

SENATE BILL NO. 888 OVER IN ORDER

The PRESIDENT. Does the Chair understand the Senator from Philadelphia, Mr. Woodward, desires that Senate Bill No. 888 go over in its order?

Mr. WOODWARD. That is the idea, Mr. President. It was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. WADE. Mr. President, I ask unanimous consent to amend Section 2, page 2, between lines 25 and 26, by inserting the following paragraph: "(4) The experimentation and scientific research activities of biological chemists engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of veterinary medical practice."

On the question,

Will the Senate agree to the amendments?

Mr. MUNDY. Mr. President, I desire to interrogate the gentleman from Cumberland.

The PRESIDENT. Will the gentleman from Cumberland permit himself to be interrogated?

Mr. WADE. Yes, Mr. President.

Mr. MUNDY. Mr. President, am I to understand these amendments legalize and give the right to veterinarians and biological chemists to practice medicine.

Mr. WADE. No, Mr. President, that is not the case. The amendments I think clearly set forth what they are intended to do and I would request that the Chair have the amendments read again so that the gentleman from Luzerne may understand.

(The amendments were again read.)

Mr. MUNDY. Mr. President, I just want to say I feel these amendments will destroy the whole effect of the bill, if I understand them correctly.

Mr. WOODWARD. Mr. President, in answer to the statement of the gentleman from Luzerne, Dr. Mundy, this added provision—if the Senate agrees to it—has to do with the exceptions made in lines nine and ten, page two of the bill, which states "For the purpose of this act the term 'practice of veterinary medicine' does not include—" and then follow paragraphs one, two and three, and this if a fourth exception.

The PRESIDENT. Is there objection to the amendments being adopted? Does the Senator from Luzerne withdraw his objection?

Mr. MUNDY. Yes, Mr. President, I withdraw my objection.

And the question recurring,

Will the Senate agree to the amendments?

It was agreed to.

On the question.

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 995, on third reading, entitled:

An Act to add section three and one-tenth to the act, approved the first day of July, one thousand nine hundred and nineteen, (P. L. 717), entitled "An act fixing the number, compensation, mileage and duties of the officers and employees of the General Assembly and providing for their election or appointment, term of office and manner of filling vacancies," further regulating the compensation of certain officers and employees.

be recommitted to the Committee on Appropriations.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Mr. WALKER. Mr. President, I move that Senate Bill No. 1005, on third reading, entitled:

An Act relating to the adoption of the song entitled "Pennsylvania," words and music written by Gertrude Martin Rohrer and providing for its adoption as the State song of Pennsylvania.

be recommitted to the Committee on State Government.

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I know this is a little out of order, but I would like to suggest to the sponsor of the bill that he take this bill and also the House Bill and have a public hearing in order that we can all have a song fest some night this week and have the sponsors of the bills sing them.

Mr. CAVALCANTE. Mr. President, I would like to make another suggestion to the gentleman from Allegheny, Mr. Walker. I wish he would inquire into the fact whether or not the song mentioned in this bill is copyrighted and if we declare it the state song whether the state will have to pay for the copyright to the writer of the song.

Mr. WALKER. Mr. President, all the suggestions will be received gratefully; they are always very constructive and we are always very happy to have them.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1006, as follows:

An Act to amend Route 18033 established by amendment to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 18033 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as added by the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 806) is hereby amended to read as follows

Route 18033 Beginning at a point on Route 18014 about 0.1 of a mile southwest of the intersection of Routes 18014 and 18021 thence in a southeasterly direction through Dunnstable Township to a point on Route 23 near McElhattan Bridge thence continuing in a southeasterly direction through Dunnstable and Wayne Townships across McElhattan Bridge to a point on Application 7081 in Clinton County a distance of about 0.6 of a mile

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrich,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1023, as follows:

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth pro-

viding for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That section 1033 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by the Act of June twenty-seventh one thousand nine hundred thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 1033 Vehicles Carrying Other Vehicles

(a) No person shall on or after January first one thousand nine hundred and forty-four operate a vehicle on the highways of this Commonwealth having two levels for the carriages of other vehicles

(b) No person shall on or after January first one thousand nine hundred and forty-four operate a vehicle on the highways of this Commonwealth carrying other vehicles any part of which is carried at a height of more than one hundred and fifteen (115) inches above the ground.

(2) No person shall operate a vehicle on the highways of this Commonwealth carrying any other vehicle the weight of which is directly above the cab of the carrier vehicle or directly over the head of the operator of such carrier vehicle

(d) No person shall on or after January first one thousand nine hundred and forty-four operate a vehicle on the highways of this Commonwealth carrying any other vehicle any axle of which is more than three (3) feet higher than any other axle on such carrier vehicle

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 2 This act shall become effective immediately upon final enactment

(During the calling of the roll the following occurred:)

Mr. MALLERY. Mr. President, having voted under a

misapprehension, I desire to change my vote from "aye" to "no."

The PRESIDENT. The vote of the gentleman from Blair will be so recorded.

Mr. WOODWARD. Mr. President, I was engaged in conversation and I do not know how I was marked but I desire to be recorded as voting "no."

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	McCreesh,	Taylor,
Becker,	Farrell,	McQuiddy,	Thomas,
Carr,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Wade,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Snowden,	Wilson, T. B.,
Deltrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—4

Cavalcante,	Edmonds,	Mallery,	Woodward,
-------------	----------	----------	-----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1041, on third reading, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 291), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1044, on third reading, entitled:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement

system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof, and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits and rights from taxation and judicial process; and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 915, (HOUSE BILL No. 124), ON THIRD READING, CALLED UP

Mr. REED. Mr. President, I now call up Senate Bill No. 915, (House Bill No. 124), on third reading, page 12 of the Calendar.

Mr. CAVALCANTE. Mr. President, I second the motion. The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 915, (House Bill No. 124), entitled:

An Act to amend the title and the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds, to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling

certain officers, employes and agents to administer oaths, providing the method and effect of service of certain orders, and the posting of rules, regulations and certain orders, enabling employes of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be licensed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for the payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers

And said bill having been read at length the third time,
And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CARR. Mr. President, I ask unanimous consent to amend section 1, page 35, line 22, after the word "handler," by inserting the following sentence: "In ascertaining such returns the commission shall utilize a cross-section representative of the average of normally efficient producers and dealers or handlers in the area."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 929, (HOUSE BILL No. 1510), ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. JASPAN. Mr. President, I now call up Senate Bill No. 929, (House Bill No. 1510), on third reading and final passage, page 13 of Calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 929, (House Bill No. 1510), as follows:

An Act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" by increasing the compensation of the chief county detective

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369) entitled "An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county" as amended by the act approved the twenty-ninth day of April one thousand nine hundred and twenty-five (P. L. 352) is hereby further amended to read as follows

Section 2 The said chief county detective shall receive a salary of six thousand five hundred (\$6,500) dollars per annum the said assistant chief county detective shall receive a salary of three thousand five hundred (\$3,500) dollars per annum and ten of the special county detectives shall receive a salary of two thousand five hundred (\$2,500) dollars per annum each and ten of the special county detectives shall receive a salary of two thousand three hundred (\$2,300) dollars per annum each together with all necessary traveling expenses which said salary and expenses having been verified by affidavit of the chief county detective assistant chief county detective or special county detective incurring the same and approved by the district attorney shall be paid out of the treasury of the county on a certificate issued by the district attorney directed to the controller of the county who shall order warrants for said amounts according to law In the event of the appointment of a less number of special county detectives than twenty the district attorney shall have the power to determine in which class as to salaries the appointee or appointees shall be placed

Section 2 The provisions of this act shall become effective the first day of January one thousand nine hundred and forty-two

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Barr,	DiSilvestro,	Miller,	Tyler,
Becker,	Farrell,	Mundy,	Wade,
Carr,	Frey,	Ruth,	Walker,
Chapman,	James,	Scarlett,	Watkins,
Coleman,	Jaspan,	Stevenson,	Wilson, H. I.,
Cox,	Fephart,	Stiefel,	Wilson, T. B.,
Crider,	Letzier,	Tallman,	Woodward,
Crowe,	McCreesh,	Taylor,	Ziesenheim,
Dent,	McQuiddy,	Thomas,	

NAYS—10

Bartlett,
Cavalcante,
Deltrick,

Edmonds,
Haluska,
Heyburn,

Homsher,
Mallery,

Reed,
Snowden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

INTRODUCTION TO THE SENATE OF HON. GUY R. SWOPE

The PRESIDENT. The Chair at this time interrupts consideration of the Calendar, for the time being, for the purpose of presenting to the Senate the Governor of Porto Rico, Honorable Guy J. Swope.

Mr. SWOPE. Mr. President and gentlemen of the Senate of the Commonwealth of Pennsylvania, I bring you greetings from the farthest east outpost under the American flag; I bring you these greetings in the name of two million Americans who want to be your brothers and want you to be our brothers down there. I am moved with emotion and sentiment to have an opportunity to appear before you for a moment as a resident of Pennsylvania. I was born here and have lived here most of my life and I want to have my ashes rest here when I pass on, and I have the honor of being presented not only by the President of the Senate, the Lieutenant Governor of Pennsylvania, but by my friend whom I am privileged to call "Sam."

MOTION TO CONSIDER SENATE BILLS ON SECOND READING

Mr. CAVALCANTE. Mr. President, I now move that we proceed to the consideration of Senate Bills on second reading.

Mr. GELTZ. I second the motion, Mr. President.
On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I am agreeable to that proposition. However, I do feel that it is very important that bills that are before us now, recalled from the Governor, should have action this week. I think under legislative law, if they are on the Calendar more than five days without being put on the postponed calendar, they can be dropped, and I think it is only fair that the bills be given a fair chance. Let us take a vote on them one way or the other.

Mr. President, before we take a vote on this motion, I would like very much to call up a very important bill that is on the Calendar and has been on the Calendar for over a week, and one that must go back to the Governor for his signature.

POINT OF ORDER

Mr. GELTZ. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Allegheny will state his point of order.

Mr. GELTZ. Mr. President, there is a motion before the Senate.

The PRESIDENT. That is correct.

Mr. BARR. Mr. President, before that motion is put, I think the question asked by the gentleman from West-

moreland ought to be answered, that a bill not acted on for five days will be dropped from the Calendar. I think we should know that.

The PRESIDENT. The point of order raised by the gentleman from Allegheny, Mr. Barr, is not sustained, for the reason that the only thing before the Senate now is the motion of the gentleman from Fayette, Mr. Cavalcante, to proceed with the reading of Senate bills on second reading. The question can be raised after this motion is disposed of.

All in favor of the motion that the Senate proceed to the reading of Senate bills on the second reading Calendar say "aye."

It was agreed to.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Mr. Dent.

MOTION CALLING UP SENATE BILL No. 469

Mr. DENT. Mr. President, I move that the Senate do take up for consideration Senate Bill No. 469, appearing on page one of the Calendar.

Mr. COLEMAN. Mr. President, I ask my good friend from Westmoreland to yield for a moment, in order that I may ask the Chair a question pertaining to this particular controversy.

Mr. DENT. I yield to the gentleman from Lackawanna, willingly.

Mr. COLEMAN. Mr. President, it is my understanding from my experiences in the House that where a bill is placed on the postponed Calendar it must be called up and given a new lease of life, so to speak. I understand we do not have the same rule here in the Senate, and the gentleman from Westmoreland has raised a very pertinent question.

It is my understanding that a bill can remain on the Senate postponed calendar indefinitely, but I think there is some doubt in the minds of the membership of the Senate, and I think the Chair should rule in order to eliminate that doubt on that particular point.

The PRESIDENT. The gentleman from Westmoreland, Mr. Dent, made the same inquiry privately, and the Chair told him he knew of no rule in the Senate on that point, and he also was in the dark the same as was the Chair. The Chair has made further inquiry and finds that in the Senate we have no rule on that question.

Mr. COLEMAN. Mr. President, I do not want to put any words into the mouth of the Chair, but I understand the Chair's ruling is to the effect that there is no such rule in the Senate, and that a bill can remain on the postponed Calendar indefinitely, without being dropped from the Calendar.

The PRESIDENT. The Chair so understands.

Mr. DENT. Mr. President, is my motion now in order?

The PRESIDENT. The Chair wants to make himself perfectly clear, for the enlightenment, information rather—it is not necessary to enlighten the Senator from Westmoreland.

Mr. DENT. Very much so, Mr. President.

The PRESIDENT. But under the motion just adopted, second reading bills are the only thing in order. However, if the gentleman from Westmoreland makes the request and there is no objection, the bill can be taken up for consideration.

Is there objection to the request of the gentleman from Westmoreland to call up a bill at this time?

Mr. GELTZ. If it is a request, Mr. President, I object to it.

POINT OF ORDER

Mr. DENT. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Westmoreland will state his point of order.

Mr. DENT. Mr. President, is it not true that any motion made by a Senator, after another motion has been passed, that motion can be put before the Senate? What is the duration of the previous motion?

The PRESIDENT. The only thing before the Senate now is the consideration of Senate bills on second reading, unless by unanimous consent or by a motion carried by a majority, the Senate sees fit to grant the gentleman from Westmoreland the privilege of calling up a bill.

Mr. DENT. Mr. President, that is the point of order I raised. In other words, there was a motion made to take up only Senate bills on the second reading Calendar. Now, that motion passed, as I understand it.

The PRESIDENT. That is correct.

Mr. DENT. Mr. President, I got up and made a brand new motion and it has been seconded. That motion, if it is voted for, certainly takes precedence over the preceding motion.

The PRESIDENT. If the motion has been seconded the Chair did not hear any seconder.

Mr. COX. Mr. President, I consider it a great pleasure to second the motion of the gentleman from Westmoreland, Mr. Dent.

The PRESIDENT. It has been moved by the gentleman from Westmoreland, Mr. Dent, seconded by the gentleman from Allegheny, Mr. Cox, that the Senate at this time take up for consideration Senate Bill No. 469 appearing on page one of the Calendar.

Mr. CAVALCANTE. I object to the motion, Mr. President.

POINT OF ORDER

Mr. THOMAS B. WILSON. I rise to a point of order, Mr. President.

The PRESIDENT. The gentleman from McKean will state his point of order.

Mr. THOMAS B. WILSON. Mr. President, there is nothing before this Senate but consideration of Senate bills on the second reading Calendar. That is the only order of business now before this Senate.

The PRESIDENT. That is correct, in the absence of a motion. A motion is always in order and the majority can decide to take up a bill.

Mr. THOMAS B. WILSON. I have great respect for the parliamentary ability and fairness of the Chair.

The PRESIDENT. The Chair does not have the experience of the gentleman from McKean.

Mr. THOMAS B. WILSON. I will submit, of course, to the ruling of the Chair, but I am asking whether it is not so, that the only thing before this Senate now in order is—the motion itself is out of order, this body having decided it will proceed with consideration of the Senate bills on the second reading calendar, and the motion is out of order. The motion is out of order. It is true in the House when something is in order, one might debate a different motion. I am raising the point of order that the motion itself is out of order, the Senate having decided

that the business before it is to take up the Senate bills on the second reading calendar.

The PRESIDENT. The Chair wishes to raise a point of order. The point of order of the Senator is well taken, but any time after consideration of a bill on second reading the motion of the gentleman from Westmoreland will be in order.

Mr. COLEMAN. Mr. President, by the time the two gentlemen have finished quibbling over the point of order we could have passed a bill. As I understand the rules governing Senate procedure, if the gentleman from McKean had risen in his position and called for the order of the day, the order of the day would be bills on second reading, and that would be the mandate of the Senate. However, the gentleman from McKean did not couch his request in that language, and I submit, Mr. President, the gentleman from Westmoreland is privileged to call up a bill for concurrence in House amendments.

Mr. THOMAS B. WILSON. Mr. President, just to clarify the parliamentary situation, I think any member of the Senate has the opportunity to call for the order of the day. I also have the right to raise a point of order that the motion of the gentleman from Westmoreland is out of order, because the Senate has decided by a roll call what is the next order of business, and that is Senate bills on second reading, and having fixed that order of business, nothing else is in order.

The PRESIDENT. The Chair has ruled on that.

Mr. DENT. Mr. President, I have had too many courtesies from the Chair to enter into a debate with the Chair. I tried that once long ago in a labor union, and when I ended up I was not even able to talk, so I am not going to take it up here. However, I will say this, that according to the rules of the Senate any motion is in order at any time. I did not call the bill up. I only moved that the bill be called up, if the Chair recalls my wording, and my motion was in order, according to my own interpretation of Robert's Rules on parliamentary law. However, I am not going to go into it, because there is a mis-print in the bill, and the word "members" is left out, and the word "numbers" placed in the bill, so we will just let that take care of it.

The PRESIDENT. This is much ado about nothing.

Mr. DENT. I agree with the Chair.

The PRESIDENT. And the Chair is of the opinion that it comes with poor grace for anybody to rise on a point of order on a matter of that kind, when we have been extending all kinds of courtesies, when the consideration of bills was set aside, and the Senate took up communications from the Governor, and most anything, but if the Chair must rule, he is going to be just as courteous and as liberal as he possibly can and if a point of order is raised, the Chair is going to try to determine that as it should be determined. The Chair does not want to limit debate.

Mr. THOMAS B. WILSON. I do not agree, Mr. President, that this is a trivial point of order. The order of business is consideration of Senate bills on second reading.

The PRESIDENT. The Chair has already sustained the point of order of the gentleman from McKean.

QUESTION OF PERSONAL PRIVILEGE

Mr. THOMAS B. WILSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from McKean will state his question of personal privilege.

Mr. THOMAS B. WILSON. Mr. President, I do not agree it is a trivial matter, when a member of this Senate stands on the floor and says that bills on second reading, which must pass this body on third reading and go over into a Democratic House and get out of committee, maybe on the morning of the day of the Resurrection, in order to consider a bill on the postponed calendar that can be passed finally by a vote in a minute or five minutes. I think the bills on second reading Calendar are of much more importance and that is what I insist upon.

The PRESIDENT. The Chair does not want to get into an argument, but the Chair still insists it is rather inconsistent for a Senator to raise a point of that kind, when he has consistently made requests that we are not in order.

Mr. THOMAS B. WILSON. That is correct. Mr. President. Differences of opinion sometimes makes a legislative body.

CONSIDERATION OF SENATE BILLS ON SECOND READING

The PRESIDENT. Under the motion just adopted the first bill in order is Senate Bill 77, appearing on page 19 of the Calendar.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 77, entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities co-extensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith, and modifying existing legislation which provided for raising revenue for State purposes," by exempting assets held by liquidating trustees

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 158, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers, sailors, marines, female field clerks, yeoman (female) and nurses.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 171, on second reading, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custoday and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," further regulating refunds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. WALKER. Mr. President, I move that Senate Bill No. 211, on second reading, entitled:

An Act to decrease the expenses of the Commonwealth by providing that mercantile appraisers lists shall not be published in newspapers in any city or county of the Commonwealth and repealing acts and parts of acts relating thereto

be recommitted to the Committee on Judiciary General.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 367, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Millersville State Teachers' College, to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 486, entitled:

An Act relating to sheriffs' sales of personal property,

providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ, subject to certain deductions for costs and priority claims.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 784, entitled:

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts, further regulating the publication of advertisements and notices required under the provisions of said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. BECKER. Mr. President, I ask unanimous consent that Senate Bill No. 823, on second reading, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers, by corporations: providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employees of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers, liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage

in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employees of such corporations and persons

to over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 934, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1017, entitled:

An Act to amend section one of the act, approved the fifteenth day of May, one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what officers are incompatible," by specifically exempting persons serving in the armed forces of the United States.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1019, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

And said bill having been read at length the second time and agreed to,

BILL RECOMMITTED

Mr. MILLER. Mr. President, I move that Senate Bill No. 1019, the bill just read, be recommitted to the Committee on Appropriations for the purpose of amendment.

Mr. CRIDER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1040, entitled:

An Act to further amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 737), entitled "A Supplement to an act,

entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefore,' approved the eighth day of June, Anno Domini one thousand nine hundred and seven; authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation; and making an appropriation for two years from the first day of June, Anno Domini one thousand nine hundred and nineteen towards its maintenance," giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL NO. 913 ON SECOND READING POSTPONED CALLED UP

Mr. ZIESENHEIM. Mr. President, I now call up Senate Bill No. 913, on second reading postponed, on page 28 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 913, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisition by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. ZIESENHEIM: Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 7, by inserting after the partword "tures" and before the word "and" the words: "excepting those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission;" Amend Section 1, (Subsection 2), page 2, line 8 by striking out [any overhead power line]; Amend Section 1, (Subsection 2), page 2, line 9 by striking out [which interferes with radio communication between a pub-]; Amend Section 1, (Subsection 2), page 2, line 10 by striking out [licly owned airport and aircraft approaching or leaving]; Amend Section 1, (Subsection 2), page 2, line 11 by striking out [same or]; Amend Section 1, (Subsection 2), page 2, line 12 by striking out the words after the word "of" and before the word "airport" the words [such an] and inserting

in lieu thereof the words: "a publicly owned"; Amend Section 1, (Subsection 2, page 2, line 13 by adding after the word "taking-off" "except those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission;" Amend Section 1, (Subsection 6), page 2, line 25, by inserting after the word "towers" and before the word "smokestacks" the word: "and"; Amend Section 1, (Subsection 6), page 2, line 25, by striking out after the word "smokestacks" the words [and overhead transmission lines] and inserting in lieu thereof the words: "except those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the thirteenth sections, inclusive of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 959, (HOUSE BILL No. 572), ON SECOND READING, CALLED UP

Mr. CHAPMAN. Mr. President, I now call up Senate Bill No. 959, (House Bill No. 572), on second reading, page 24 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending Mar- thirty-first one thousand nine hundred and thirty-nine" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend sec. 1, page 5, by inserting between lines 8 and 9 the following:

To the House of Representatives

For the payment of the mileage of two hundred and eight Members of the House of Representatives, session of one thousand nine hundred and forty-one, the sum of ten thousand dollars (\$10,000).

For the payment of the salaries of the officers and employes of the House of Representatives, session of one thousand nine hundred and forty-one also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created, and for the payment of which provision is not otherwise made, also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in the act to which this is a supplement, the sum of thirty thousand dollars (\$30,000), or so much thereof as may be necessary for the duration of the session of one thousand nine hundred and forty-one and the period of time necessary to complete the work of such session.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

POINT OF INFORMATION

Mr. DENT. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Westmoreland will state his point of information.

Mr. DENT. Mr. President, on page one of the Calendar, Senate Bill 469, (House Bill 364), Printer's No. 741, there is a printer's error on page two, line twenty-six. All other copies of the bill contain the word "members"; this copy of the bill contains "numbers." My point of information, Mr. President, is whether it will be possible to have that correction made in the bill without amendment, inasmuch as it is distinctly a printer's error.

The PRESIDENT. The Chair is of the opinion that that would have to be corrected by amendment and the bill reprinted.

Mr. DENT. I wish to thank the Chair for the information. I do think however, Mr. President, that if that is the rule and we maintain that position, printer's errors may keep us in quite a Session here. If I remember rightly, we had printer's errors on conference reports, and the conferees did not have to make a redraft. What happened was that the bill went back to the printer and was printed according to the conferees' original draft. Now, it is all right, Mr. President; the only thing I would ask is that we have a recess for a few minutes in order to prepare an amendment to take care of that matter.

The PRESIDENT. The Chair is just advised that in 1929 an act was passed creating a commission to correct minor errors, consisting of the Attorney General, the Secretary of the Commonwealth, the Director of the Legislative Reference Bureau, the President of the Senate and the Speaker of the House.

Mr. DENT. Then, Mr. President, I am in position to call

up the bill with the idea that the commission will act upon the printer's error, is that right?

The PRESIDENT. If the gentleman from Westmoreland wishes to take that chance, I think he may do so.

Mr. DENT. Then, Mr. President, with the permission of the Senate, if the Chair will assure me that the Senate will stay in Session long enough to allow me to get this amendment ready, otherwise I am going to ask for a recess for a few minutes. I will have the amendment ready if we continue as we have been for the past five minutes.

Mr. GELTZ. Mr. President, I just informed the gentleman from Westmoreland, Senator Dent, that at this afternoon's Session some one asked that this bill go over, because there were some amendments under consideration, and it was asked that it go over until tomorrow, and I do not see why that printer's error can not be taken care of at the same time.

Mr. DENT. I will comply with that. Is it a request, Mr. President?

Mr. GELTZ. That is merely to give the gentleman from Westmoreland some information, if he will recall our conversation this evening when we were discussing this bill.

Mr. DENT. Yes, Mr. President, but if the gentleman from Allegheny will remember rightly, I disagreed with the amendments put in, and decided I would be much better pleased with the bill as it is than to be placed on the spot of voting for the bill with amendments inserted, by the majority, and I would rather vote on it in its original condition, than to vote on amendments which would destroy the purpose of the bill.

Mr. HENRY I. WILSON. Mr. President, it will be remembered that I asked that this bill go over until tomorrow, as there were some amendments that we thought were necessary, but since I asked that, I have learned that the author of the bill did not think it was necessary to make the amendments. It is just a question of having the words come nearest to the ones they modify, but inasmuch as the sponsor of the bill does not feel it is necessary to have it amended, I am perfectly willing that it shall be considered at any time. I did that just to protect the sponsor of the bill. Now, Mr. President, the gentleman from Westmoreland, Mr. Dent, is interested in the matter, and if it is agreeable to the other members of the Senate, I withdraw my motion to have it go over in order, and it might be taken up at any time.

However, there is one word that I would like to say as to the interpretation, the question of modification. The amendments put in should modify "duties" and not "fire companies" or "fire departments," so it will be made a matter of record what it modifies.

Mr. DENT. Mr. President, am I right in my assumption that it would be impossible for this Senate to take up amendments, other than those that had been considered prior to the bill on its final passage going to the Governor, by both the House and the Senate, and that any additional amendments can not be taken up by the Senate at this time, other than corrective amendments? The bill has already been on the Governor's desk.

The PRESIDENT. The Chair understands that this is a House bill that was recalled from the Governor and amended by the House, so that the only thing before the Senate now is concurrence or non-concurrence in the amendments inserted by the House. Now, what action does the Senate wish to take?

Mr. DENT. Mr. President, I ask for a two and half minute recess until the girl gets the amendment ready.

The PRESIDENT. There is nothing before the Senate—

Mr. DENT. Mr. President, I now call up again—you are right, Mr. President, the bill is not before us. I only asked a point of information.

SENATE BILL No. 469, (HOUSE BILL No. 364), ON
CONCURRENCE IN HOUSE AMENDMENTS
RECALLED FROM THE GOVERNOR

Mr. DENT. Mr. President, I now call up Senate Bill No. 469, (House Bill No. 364), on concurrence in House amendments, recalled from the Governor, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled, as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment: establishing an elective schedule of compensation: providing procedure for the determination of liability and compensation thereunder; and prescribing penalties,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amplifying the provisions thereof as to persons entitled to such payments.

Mr. COLEMAN. I second the motion, Mr. President. It was agreed to.

UNANIMOUS CONSENT TO OFFER AMENDMENT
REQUESTED

Mr. DENT. Mr. President, I ask unanimous consent to insert an amendment to Senate Bill No. 469, which is entirely corrective in nature.

The PRESIDENT. The only question before the Senate is that of concurrence or non-concurrence in House amendments.

The Chair recognizes the gentleman from Somerset.

Mr. EALY. Mr. President, I think the Chair is perfectly correct that the only thing before us is concurrence or non-concurrence in the House amendments.

Mr. DENT. Mr. President, I think it is coming to a very sad pass when the printer can tie up our entire legislative duties. If the printer makes an error in a bill, certainly the Senate and the House can not be held accountable for a printer's error, the printer is accountable for it, and certainly an error by the printer should not put off action on this bill indefinitely; under this procedure we concur in the House amendments, we concur in a bill that is faulty, and the bill will not be approved by the Governor, because it is faulty.

MOTION TO NON-CONCUR IN HOUSE AMENDMENT

Mr. GELTZ. Mr. President, for the reason just stated by my colleague, the gentleman from Westmoreland, I move that the Senate do non-concur in the amendments inserted by the House.

Mr. THOMAS B. WILSON. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. DENT. Mr. President, will the gentleman from Allegheny tell the Senate what he does not like about the House amendments?

Mr. GELTZ. Mr. President, there is not anything I do not like about the House amendments, but I believe this is the only way that we can make the correction which our colleague, the gentleman from Westmoreland, desires; that is, to non-concur in the House amendments, and the House can then make the correction and we can concur.

Mr. DENT. Mr. President, when I was a small kid I learned there were a lot of ways of killing a cat besides drowning, and I am learning another one of them tonight.

The PRESIDENT. The gentleman from Allegheny, Mr. Geltz, is trying to help the gentleman from Westmoreland.

Mr. HENRY I. WILSON. Mr. President, I do not wish to get into a controversy as to what is good practice, but the first thought that I have is that I think this bill should really go over in order and that the proper practice would be to have the House recall the bill from the Senate for the purpose of amendment, and have it amended over there and come back here and we will not be tied up with trying to amend something when we do not know just what is wanted. I feel this bill should go over until tomorrow, when the House is in session, and if the House wants to have it amended over there, they can recall the bill from the Senate and put their amendments in. However, it does not make any difference how you do it.

The PRESIDENT. I think if the motion of the gentleman from Allegheny, Mr. Geltz, prevails, it will do the very thing the gentleman from Jefferson desires.

Mr. THOMAS B. WILSON. Unlike the other Senator Wilson, I like controversies and I do not think there is any other way to do this except to do what the gentleman from Allegheny, Mr. Geltz, has moved. The only way this can be done, although it is technically a roundabout way, is to non-concur in the amendments, and then have it corrected; even though it is a roundabout way, it is the only way it can be done.

And the question recurring,

Will the Senate non-concur in the amendments?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Ealy,	Mallery,	Taylor,
Becker,	Edmonds,	McCreesh,	Thomas,
Carr,	Farrell,	McQuiddy,	Tyler,
Cavalcante,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deltrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 947, (HOUSE BILL No. 310),
ON SECOND READING CALLED UP

Mr. MILLER. Mr. President, I now call up Senate Bill No. 947, (House Bill No. 310), on second reading, page 23 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 947, (House Bill No. 310), entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. MILLER. I might add, Mr. President, my purpose in calling this bill up for consideration is to save a legislative day. The appropriation made to the Pennsylvania Veterans Commission expires on the first day of June, and the Commission will find itself without funds to carry on their work if this is not acted on.

RESOLUTION MEMORIALIZING VETERANS ADMINISTRATION TO CONSIDER NORTHEASTERN PENNSYLVANIA AS SITE OF VETERANS' HOSPITAL

Mr. COLEMAN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN offered the following resolution which was twice read:

In the Senate, June 2, 1941.

Whereas, The United States Veterans' Administration in Washington are contemplating the erection of a Veterans' Hospital for the afflicted veterans in the Commonwealth of Pennsylvania, and

Whereas, Reports out of Washington indicate that a decision on the site for the new hospital will be made in the very near future, and

Whereas, The three basic things essential in the consideration of the site for an institution of this kind are the supply of water, air, and sunshine, and

Whereas, There is a section in north-eastern Pennsylvania familiarly known as the Pocono Region whose name and fame as a health resort has spread throughout the nation, and

Whereas, There is located in this region the Tobyhanna Military Reservation embracing twenty-eight thousand (28,000) acres already owned by the Federal Government and contains many basic features necessary for the establishment of a hospital and the appropriate surroundings, and

Whereas, The location is readily accessible, being serviced by several railroads and an airport located nearby as well as good roads leading to and from it, and

Whereas, Several sites have been suggested for the location of the hospital in the Commonwealth of Pennsylvania, and

Whereas, The hospital can be erected on the site suggested with a minimum expense to the Government, therefore be it

Resolved, That the Senate of Pennsylvania petition the

Veterans' Administration in Washington, as well as, Representatives of the various Veterans' Associations who have an essential interest in this type of institution to carefully examine the tremendous possibilities of this region, as well as others that have been suggested, and therefore be it further

Resolved, That a copy of this resolution be sent to the Veterans' Administration at Washington, D. C., and the various Veterans' Organizations in the Commonwealth.

MOTION TO SUSPEND RULE 39

Mr. COLEMAN. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. GELTZ. Mr. President, I object.

The PRESIDENT. The resolution is referred to the Committee on Military Affairs.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 2, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, Jun 9, 1941, at 3:30 o'clock P. M. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 9, 1941, at 8 o'clock (Eastern Standard Time).

MOTION TO CONSIDER ALL HOUSE BILLS
ON THIRD READING

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of House bills on third reading, beginning on Page 8.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from

the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 690, (House Bill No. 1088), as follows:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold excepting on-sale licensees and the wives of on-sale licensees providing penalties for a violation thereof repealing all inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 It shall be unlawful for any person to use the services of a female in the mixing of alcoholic beverages containing distilled spirits on the premises where such alcoholic beverages are sold for consumption

Section 2 It shall be unlawful for any person engaged in the business of serving malt or vinous beverages or alcoholic beverages containing distilled spirit to permit a female to tend or take care of a bar or to perform such duties behind a bar ordinarily performed by a bartender

Section 3 As used in this act "person" shall mean a natural person copartnership association corporation or organization manager agent servant officer or employee of any of them

Section 4 The provisions of this act shall not be applied to the mixing of alcoholic beverages containing distilled spirits or the serving of malt or vinous beverages or the tending of bar by any on-sale licensee nor to the mixing of such beverages or tending of bar by the wife of any licensee on the premises for which her husband holds an on-sale license however where the on-sale licensee is a male and it is definitely established that he is employed for wages commissions or other forms of remuneration for services rendered off the premises for which said on-sale license is issued the wife of said on-sale licensee shall be subject to the terms and conditions as set forth in section two

Section 5 Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor which shall be construed as a violation of the licensee privileges as granted under the Liquor Control Act of Pennsylvania and shall upon conviction be subject to suspension or revocation of such licensee privileges in addition to a fine not exceeding five hundred dollars (\$500.00) or ninety (90) days imprisonment or both at the discretion of the court having jurisdiction in the county where such licensed premises are located

Section 6 It shall be the duty of all constables sheriffs and police officers to see to it that every licensee within his jurisdiction abides by and conducts his bar in conformity with the provisions of this act

Section 7 It shall be the duty of the district attorneys of the several districts of this State to prosecute for violations of this act as for other crimes and misdemeanors

Section 8 The provisions of this act are severable and

if any of the provisions hereof are held to be unconstitutional the decision shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 9 The act approved the ninth day of June one thousand nine hundred and thirty-nine (P. L. 307) entitled "An act prohibiting in any city of the first second and second A class the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold and providing penalties" is hereby repealed and further all acts or parts of acts inconsistent with the provisions of this act are hereby repealed

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally? ..

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	DiSilvestro,	Letzler,	Stiefel,
Becker,	Ealy,	Mallery,	Tallman,
Carr,	Edmonds,	McCreesh,	Thomas,
Cavalcante,	Farrell,	McQuiddy,	Tyler,
Chapman,	Frey,	Miller,	Wade,
Coleman,	Geltz,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,

NAYS—1

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SENATE BILL No. 701, (HOUSE BILL No. 404), ON THIRD READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 701, (House Bill No. 404), on third reading, page 9 of the Calendar.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 701, (House Bill No. 404), entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, I was in hopes tonight that there could be enough courtesy shown me by both sides that we could expedite this Calendar and avoid the taking up of controversial bills, but I see that that courtesy will not be extended.

This bill, Mr. President, is a highly controversial bill and should have been allowed to go over in its order until tomorrow morning, when we would be fresher and our minds would be more clear. Since it has been called up for action, I would like to request that this bill go over in its order until tomorrow morning.

BILLS OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 701, (House Bill No. 404), on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 729, (House Bill No. 393), on third reading, entitled:

An Act to amend sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name," by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 730, (House Bill No. 647), on third reading, entitled:

An Act relating to the bonds to be given by county officers, their deputies, clerks and assistants, in counties of the second class, the amount and conditions thereof, the sureties for such bonds, the payment of the premiums therefor and the recording and custody thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 813, (House Bill No. 896), on third reading, entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales upon which the period of redemption has expired and validating certain sales heretofore made

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 859, (House Bill No. 724), on third reading, entitled:

An Act to further amend section 363 of the act approved May second, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" and further regulating the form and contents of county auditors reports

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 891, (House Bill No. 253), on third reading, entitled:

An Act providing for the appointment, powers and control of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS INTRODUCED

Mr. GELTZ. Mr. President, I ask unanimous consent to introduce bills at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ read in place and presented to the Chair Senate Bill No. 1088, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1089, entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1090, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled, "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1091, entitled:

An Act to amend the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1092, entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real

estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Which was committed to the Committee on Elections.

He also read in his place and presented to the Chair Senate Bill No. 1093, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Which was committed to the Committee on Elections.

Mr. STEVENSON. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STEVENSON read in place and presented to the Chair Senate Bill No. 1094, entitled:

A Joint Resolution proposing an amendment to section thirteen, article three, of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 484, entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1052, (House Bill No. 849), entitled:

An Act to further amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulat-

ing the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, June 3, 1941, at 2 o'clock p. m., Eastern Standard Time.

Mr. CHAPMAN. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 11:59 o'clock p. m., Eastern Standard Time, until Tuesday, June 3, 1941, at 2 o'clock p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, June 2, 1941.

The House met at 8 p.m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Eternal God, our Father, we thank Thee for this wonderful world in which we live for we realize that from its beginning it has been perfect in beauty because Thou did'st create it.

Forbid that we should look upon our neighbor merely as a hand that labors for us, or as a customer why buys from us, or as a clown who laughs for us, or even as one whom we feel beneath us.

Help us to find the larger truth which gives all other truth its meaning, that gives life a worth-while purpose, that tells us not only how to be well fed and clothed, but also how to find our true life that is found only in Thee, our God.

We beseech Thee to bless each member of this House of Representatives and every visiting friend here tonight. May each member play his part in helping Pennsylvania take its place as a leader in the defense of our great Nation. In Thy Holy Name, we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, May 29, 1941.

The Clerk proceeded to read the Journal of Thursday, May 29, 1941. when, on motion of Mr. HERMAN, unanimously agreed to, the further reading was dispensed with and the Journal approved.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

REAL ESTATE LICENSES

A communication from Pennsylvania Real Estate Asso-

ciation, addressed to the Speaker, urging rigid endorsement of the Real Estate License Law.

Referred to the Committee on Appropriations.

FOOD STAMPS

A communication from the Mayor of the city of Wilkes-Barre, addressed to the Speaker, favoring passage of House Bill No. 1078, providing for a revolving fund for the Federal Food Stamp Plan.

Referred to the Committee on Appropriations.

BUILDING AND LOAN ASSOCIATIONS

A communication from Wissahickon Building Association, Philadelphia, addressed to the Speaker, favoring passage of Senate Bill No. 512, Insurance Act for Building and Loan Associations.

Referred to the Committee on Banking.

REAPPORTIONMENT

Communications from the Civic Club of Allegheny County and the Lions Club, Williamsport, addressed to the Speaker, urging passage of a fair and just Congressional Senatorial and Legislative reapportionment bill.

Referred to the Committee on Constitutional Amendments.

SCHOOL CODE

Communications from citizens of Pennsylvania, addressed to the Speaker, favoring passage of House Bill No. 1371.

Referred to the Committee on Education.

STATE TEACHERS COLLEGES

A communication from the Alumnae Association of the State Teachers College at West Chester, opposing passage of House Bill No. 460 converting teachers colleges into advanced technical and trade schools.

Referred to the Committee on Education.

SCHOOL CODE

A communication from Harvard Teacher-Union, Cambridge, Massachusetts, addressed to the Speaker, disapproving passage of Senate Bill No. 518.

Referred to the Committee on Education.

HIGHWAYS

A communication from Conference of the officials of the cities of Lehigh Valley, addressed to the Speaker, favoring passage of Senate Bills Nos. 297 and 298.

Referred to the Committee on Highways.

INSURANCE COMPANY LAW OF 1921

A communication from Pennsylvania Federation of Labor, addressed to the Speaker, favoring passage of House Bill No. 989, allowing certain exemption to be waived in favor labor unions.

Referred to the Committee on Insurance.

SALES BY EMPLOYERS

A communication from Jacob Reed's Sons, Philadelphia, addressed to the Speaker, favoring passage of House Bill No. 1023.

Referred to the Committee on Judiciary General.

ADMISSION OF ATTORNEYS

A communication from James J. Regan, Jr., Philadelphia, requesting favorable action on question of constitutionality and favoring passage on House Bill No. 1025.

Referred to the Committee on Judiciary General.

LABOR

A communication and resolution from Pennsylvania Federation of Democratic Women, addressed to the Speaker, endorsing program for a liberal old age pension plan.

Referred to the Committee on Labor.

WAGE AND HOUR STANDARDS

A communication from Pennsylvania Federation of Labor, addressed to the Speaker, favoring passage of House Bill No. 1231.

Referred to the Committee on Labor.

LABOR

A communication from United Office and Professional Workers of America, Local 2, Philadelphia, addressed to the Speaker, favoring passage of legislation providing for anti-union, wages and hours for women and workmen's compensation.

Referred to the Committee on Labor.

CLUB LICENSES

A petition from Catholic Total Abstinence Union of Philadelphia, protesting passage of legislation permitting increase of the number of clubs dispensing alcoholic beverages.

Referred to the Committee on Liquor Control.

REGISTRATION BOARD FOR CONTRACTORS

A communication from Associated Pennsylvania Constructors, addressed to the Speaker, opposing passage of House Bill No. 1096.

Referred to the Committee on Professional Licensure.

PROFESSIONAL LICENSURE

Communications from the Medical Society of the state of Pennsylvania; Pennsylvania State Dental Society; Pennsylvania Conference of Professional Licensee; Pennsylvania Real Estate Association; Philadelphia County Optometric Society; Advisory Committee on Beauty Culture, protesting decrease of appropriation to the bureau of Professional Licensing.

Referred to the Committee on Professional Licensure.

COMMERCIAL FEEDING STUFFS LAW

Communications from Pratt Food Company, Philadelphia, and Barker Moore and Mein Co., Philadelphia, protesting passage of House Bill No. 1582, amending Commercial Feeding Stuffs Law.

Referred to the Committee on Public Utilities.

LICENSED WEIGHMASTERS

Telegrams from citizens of Pennsylvania, addressed to the Speaker, favoring passage of House Bill No. 849.

Referred to the Committee on State Government.

PUBLIC ASSISTANCE

A petition from residents of Snyder County, requesting

repeal of Act of 1937, providing for support of indigent persons by relatives and favoring passage of House Bill No. 115.

Referred to the Committee on Welfare.

RELIEF

A communication from Pennsylvania Federation of Labor addressed to the Speaker, requesting a public hearing on House Bill No. 1216.

Referred to the Committee on Welfare.

PUBLIC ASSISTANCE

A resolution from the Cambria County Board of Assistance favoring passage of Senate Bill No. 464, removing the two year residence requirement for general assistance.

Referred to the Committee on Welfare.

DUNMORE SCHOOL BOARD

A memorandum from the Dunmore School Board relative to request for an investigation of that board.

Referred to the Committee on Rules.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1021

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1021, Printer's No. 740, entitled, "An Act to add section six hundred seventeen and one-tenth to the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith,' authorizing school districts under certain conditions to appropriate money to non-profit corporations established for the purpose of constructing school buildings for the use of the district."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 228, 229, 231, 232, 233 and 235.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 29, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 228, Printer's No. 506, entitled, "An Act to reenact and amend the title and the act approved the fourteenth day of June one thousand nine hundred thirty-

five (P. L. 341) entitled as amended 'An act to provide revenue by imposing a State tax upon sales of cigarettes by dealers as herein defined requiring persons engaged in the sale of cigarettes at wholesale and retail to secure permits prescribing the method and manner of collecting such tax conferring powers and imposing duties on the Department of Revenue and persons as herein defined engaged in the sale of cigarettes at retail or wholesale and providing penalties' as previously reenacted and amended by extending the provisions of the act for a further limited period of time and exempting from its provisions certain sales of cigarettes for the use of personnel subject to regulations of the Secretary of War and Secretary of the Navy of the United States and persons engaged in making such sales."

House Bill No. 229, Printer's No. 5, entitled, "An Act to further amend section four of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) entitled 'An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation' by imposing and continuing the additional emergency tax on liquid fuels for a further limited period of time."

House Bill No. 231, Printer's No. 6, entitled, "An Act to reenact and amend the title and the act approved the sixteenth day of May, one thousand nine hundred thirty-five (P. L. 208), entitled, as amended, "An act to provide revenue for State purposes by imposing an excise tax, for a limited period of time, on the net incomes of certain corporations, joint stock associations, and limited partnerships; providing for the assessment, collection, settlement and resettlement of taxes, and reviews and appeal therefrom; conferring powers, and imposing duties on certain persons, corporations, joint-stock associations, limited partnerships, State and county officers, boards, and departments; making an appropriation; and providing penalties," as previously reenacted and amended, by extending the provisions of the act for a further limited period of time.

House Bill No. 232, Printer's No. 7, entitled "An Act to further amend the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) entitled 'A further supplement to an act entitled "An act to provide revenue by taxation" approved the seventh day of June Anno Domini one thousand eight hundred and seventy-nine' by increasing for a further limited period of time the rate of tax imposed by the act upon the gross receipts of certain companies limited partnerships associations joint-stock associations copartnerships and persons."

House Bill No. 233, Printer's No. 8, entitled "An Act to further amend section one of the act approved the thirteenth day of June, one thousand nine hundred seven (P. L. 640), entitled 'An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate, mortgages, and others, interested in real estate, from loss by reason of defective titles, liens, and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an

act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, Anno Domini one thousand eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by continuing the increased rate of tax for a further limited period of time, and reducing the rate of tax after such limited period of time.

House Bill No. 235, Printer's No. 10, entitled "An Act to reenact and amend the title and the act approved the ninth day of June one thousand nine hundred thirty-six (Special Session of one thousand nine hundred thirty-six (P. L. thirteen) entitled 'An act imposing an emergency State tax for a limited period of time on liquor as herein defined sold by the Pennsylvania Liquor Control Board providing for the collection and payment of such tax and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board' as previously reenacted and amended by extending the provisions thereof for a further limited period of time."

ARTHUR H. JAMES.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Young for Mr. ALLMOND for tonight's session.

Mr. James for Mr. BRETHERICK for tonight's session.

Mr. FINESTONE for himself for the remainder of the week after Tuesday's session.

Mr. SAMUEL ROSE for himself for tomorrow's session.

Mr. HIRSCH for himself for the remainder of the week after Tuesday's session.

The SPEAKER for Mr. WILKINSON for tonight's session.

BILL ON FIRST READING

BILL PASSED OVER

There being no objection House Bill No. 1505, Printer's No. 679, was passed over at the request of The SPEAKER.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1679, entitled:

An Act to enable the county commissioners of counties of the fourth, fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1522, entitled:

An Act to further amend sections two hundred five and seven hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and

officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by creating a Motor Police Trial Board; setting forth its powers and duties; and regulating the conduct, hours of work, and compensation of members of the Pennsylvania Motor Police.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1706, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge Pennsylvania; providing for the control, management, and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1723, entitled:

An Act to amend section four of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employes of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing for the appointment, compensation and duties of clerks and pages to the majority and minority floor leaders, respectively, of the Senate and of the House of Representatives.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1366, entitled:

An Act to amend the title and the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth; conferring powers and imposing duties upon the Department of Revenue in respect thereto; providing for the licensing and registration of airman and aircraft; establishing the legal status of air navigation; providing for sovereignty in, and ownership of, space; providing for lawfulness of flights; regulating civil causes of action arising out of operation of aircraft; fixing the status of contracts, crimes, and torts in, by, or by means of operation of aircraft; imposing duties upon officers, burgesses, magistrates, alderman, justices of the peace, the courts and clerks thereof; providing for denial or revocation of licenses; providing for certain penalties and their disposition; and repealing certain existing laws," as amended, by transferring from the Department of Revenue to the

Department of Military Affairs powers and duties with respect to aeronautics.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1367, entitled:

An Act to amend the title and the act, approved the seventh day of May, one thousand nine hundred thirty-five (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners, or a resident who becomes a non-resident and conceals his whereabouts, of aircraft operated within or above the Commonwealth of Pennsylvania; and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania, the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said non-resident upon whom civil process may be served; and providing for further notice to the defendant in any such suit," by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1368, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act reappropriating the moneys in the Motor License Fund," as reenacted and amended, by making the moneys in the Motor License Fund available to the Department of Military Affairs, instead of the Department of Revenue, with respect to aeronautical matters.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1369, entitled:

An Act to amend the title and the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics; providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth; providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth; conferring powers and duties on the Department of Revenue with respect thereto; and repealing certain acts and parts of acts," by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1323, entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the

conveyance by said city of Wildwood Park to the Commonwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land and for the use of said hospital, and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1693, (Senate Bill No. 451), entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States, prohibiting taxation of bonds and securities of States, their instrumentalities or political subdivisions and the income therefrom, without the consent of the State.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1673, (Senate Bill No. 592), entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183) entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1462, entitled:

An Act to regulate the locating, drilling, casing, filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds, having for its object the protection of life and property, by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties.

And said bill having been read at length the first time
Ordered, To be laid aside for second reading.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turn-

pike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

SENATE BILL No. 551.

An Act to amend route 25008 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth."

SENATE BILL No. 552.

An Act to abolish and repeal route 25008 in Girard Township, Erie County, established by the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "An act establishing certain township roads as State highways; authorizing their construction maintenance and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Whereupon,

The SPEAKER, in the presence of the House, signed the same

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate June 2, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 9, 1941, at 3:30 o'clock P. M. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 9, 1941, at 8 o'clock P. M. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?
It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF JUDICIARY GENERAL
ON RESOLUTION No. 9

Mr. BROWN. Mr. Speaker, on behalf of the Committee on Judiciary General of the House of Representatives, I desire to transmit to the Speaker and to the House the Committee's report on House Resolution No. 9.

Mr. Speaker, I would like to read into the record the entire report, which is as follows:

May 27, 1941.

To the Honorable Elmer J. Kilroy, Speaker,
and Members of the House of Representatives.

We have the honor to transmit herein a Report of the Judiciary General Committee of the House of Representatives concerning House Resolution Number Nine, a copy of the said Resolution is attached hereto, made a part hereof and marked Exhibit A.

Judiciary General Committee
of the House of Representatives
HOMER S. BROWN, Chairman.

LEWIS J. FINESTONE, Secretary.

STATEMENT OF FACTS

Honorable Presley N. Jones, a member of the House of Representatives from the County of Lawrence, duly elected to the General Assembly for the Session of 1941 and 1942, on February 3, 1941 presented Resolution Number Nine to the House of Representatives alleging that the Honorable Don Wilkinson, a duly elected member of the House of Representatives from the County of Luzerne for the Session of 1941-1942, did while serving as a member of the House of Representatives during the Session of 1939 and 1940, introduce and sponsor legislation defining the rights, powers and duties of County Tax Collectors as will be found in Act Number 277, approved the 20th day of June, 1939, P. L. 508, and that said Don Wilkinson, at the time of introduction of said bill, was a tax collector, that the bill was introduced by the said Don Wilkinson for his private and pecuniary profit and that the said Don Wilkinson voted upon the said piece of legislation and that after passage of same received contracts from certain school districts, townships and boroughs of the Commonwealth of Pennsylvania for the collection of taxes under said act.

On February 10, 1941, the resolution was returned to the House of Representatives by the Committee on Rules and referred to the House Judiciary General Committee for action. The House Judiciary General Committee thereupon appointed a subcommittee composed of the following members of the Judiciary General Committee: Honorable Homer S. Brown, Honorable John H. McKinney, Honorable John R. Bentley, Honorable William L. Shaffer and Honorable George W. Cooper.

Subsequent to the appointment of the subcommittee, the petitioner, Presley N. Jones, submitted a bill of particulars to the committee, which bill of particulars stated in substance that said Don Wilkinson, as a tax collector, had secured certain contracts from the School Board of the City of New Castle for the collection of delinquent per capita taxes, which contracts provided for the payment to the said Don Wilkinson of fees and charges set forth in the Act of 1939 above referred to. To the bill of particulars the respondent, Don Wilkinson, filed a demurrer alleging that the present session of the House of Representatives had no jurisdiction in that the House of Rep-

resentatives is not a continuous body and that Article 3, Section 33 of the Constitution of Pennsylvania dealing with the question of personal or private interest had not been violated. To the demurrer, the aforesaid petitioner filed an answer stating that the respondent had violated Article 7, Section 1 of the Constitution of Pennsylvania dealing with the oath of Senators, Representatives, the Judiciary and State and County Officers, and Article 3, Section 33, the personal and private interest section of the Constitution of Pennsylvania, as it applies to members of the General Assembly.

DISCUSSION

I. The first question raised by the demurrer filed by the Honorable Don Wilkinson is that the present House of Representatives has no authority to take jurisdiction of the matter alleged in the resolution and in support of this question the respondent cited a number of precedents recorded in Hinds' Precedents of the House of Representatives of the National Congress to the effect that the House of Representatives not being "a continuous body but an entity that dies at the expiration of the term of each of its members":

"It is a rule of the House of Representatives of Congress that a House may not try to punish one of its members for an offense alleged to have been committed against a preceding House." See Hinds' Precedents of the House of Representatives, Vol. 2, Section 1283; also Sections 1284 and 1285.

Our Committee while not attempting to over-rule the Hinds' Precedents, are of the opinion that the better view is to effect that misconduct on the part of a member of the House of Representatives in a previous term may constitute grounds for his removal or impeachment in a succeeding term, especially where the offending party is his own successor and that re-election would not condone the offense. See *State vs. Welsh*, 109, Iowa, 19, 79 N. W. 369:

"The very object of removal is to rid the community of a corrupt, incapable, or unworthy official. His acts during his previous term quite as effectually stamp him as such as those of that he may be serving. Re-election does not condone the offense. Misconduct may not have been discovered prior to election, and, in any event, had not been established in the manner contemplated by the statute. * * * The commission of any of the prohibited acts the day before quite as particularly stamps him as an improper person to be intrusted with the performance of the duties of the particular office as those done the day after."

See also the case of *Throop Borough's School Directors*, 298, Pennsylvania, 453, page 457:

"Wrong doing cannot be overlooked and approved by the act of the people in re-electing them to office for the ensuing term, and such attempted condonation does not prevent the legally constituted authorities from visiting on the offending persons the results of conduct expressly prohibited by the Act of Assembly."

and on pages 458, 459:

"Offenses committed during a previous term are generally held not to furnish cause for general removal, but where removal carries with it a disqualification to hold office in the future, the rule is otherwise, 46 Corpus Juris 96."

II. The offense alleged in the Bill of Particulars sub-

mitted by the Petitioner, primarily charges the Respondent with violating Article 3, Section 33, of the Constitution of Pennsylvania, which article reads as follows:

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon."

Believing that this Session of the Legislature has jurisdiction over the subject involved in the pending Resolution, we now proceed to discuss whether or not the Respondent, Don Wilkinson, is guilty of violating Article 3, Section 33, aforementioned and it becomes necessary to discuss the important provision of this Section of the Constitution in order to define and explain the meaning of the words "personal or private interest."

A perusal of the debates of the Constitutional Convention that concluded its work November 3, 1873, reveals that it not only failed to adopt a sanction of penalty for Article 3, Section 33, but likewise omitted to make clear the meaning of the important language embodied in this Section. Much was said about the practice of individuals representing corporations seeking special and local legislation and special favors, but the Section was finally adopted without a clear distinction as to its meaning.

The Committee is fortunate to cite as an authority in defining the aforementioned words: the interpretation of the able Parliamentarian of the House of Representatives of Pennsylvania, the Honorable S. Edward Moore, and quotes in its entirety his review of this subject which has been handed to the Committee:

"The Constitution of Pennsylvania, Article 3, Section 33, provides: 'That a Member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose that fact to the House and shall not vote thereon.'

The right of a Member to represent his constituency, is of such major importance that a Member should be barred from voting on matters of direct personal interest only in clear cases and when the matter to be voted upon is particularly personal.

When the matters under consideration affect a cause rather than individuals, the personal interest, belongs, to that cause and is not such as to disqualify a Member from voting.

As for instance a Member may have a personal interest in a particular hospital seeking an appropriation—The Pennsylvania Commission on Constitutional said—"It was not the intent of Article III, Section 33 that a Member should expose such a personal interest to the House of which he is a Member."

Rule VIII of the National House of Representatives reads in part:—"Every Member shall vote on each question put unless he has a personal or pecuniary interest."

In interpreting this rule of Congress which is similar to our own—it has been held that the disqualifying interest must be such as affects the Member directly and not as one of a class (Hinds' Precedents Vol. V, Section 5952; 5954; 5955 and 5963.

Speaker Robert C. Winthrop of the Massachusetts House discussed the subject of Personal Interest exhaustively in 1840 and was of the opinion: "That an interest which a Member holds in common with thousands of others could hardly be regarded as a private interest."

Speaker James G. Blaine when the matter of personal interest came up in 1893 in the National House said: "You

can go through the whole round of business and find upon this floor gentlemen, who, in common with many citizens outside of this House, have an interest in questions before this House. But they do not have that interest separate and distinct from a class."

Speaker Talbot of the Pennsylvania House of 1933, in response to a parliamentary inquiry stated: "That the right of a Member to vote where a question of personal interest was involved was a matter entirely within the conscience of the individual member."

In conclusion the question is definitely one upon which each individual Member must satisfy his conscience. He must settle it for himself."

The view of the able Parliamentarian is supported by many authorities. See Luce-Legislative Procedure, page 366; Mason's Manual of Legislative Procedure, Section 323 and Jefferson's Manual on Rules of the House of Representatives, 651. For the purpose of brevity, we quote only the following:

"In one or two instances the Speaker has decided that, because of personal interest, a member should not vote (V. 5955, 5958); but usually the Speaker has held that the member himself should determine this question." (V. 5950, 5951) And one Speaker denied his own power to deprive a member of the Constitutional Right to Vote." (V. 5956).

"It is a principle of 'immemorial observance' that a member should withdraw when a question concerning himself arises (V. 5949); but it has been held that the disqualifying interest must be such as affects the member directly (V. 5952)." Jefferson's Manual on Rules of the House of Representatives, section 651.

The Committee finds that this matter has been the subject of interpretation by the Supreme Court of Pennsylvania, as will be found in the case of Wilson v. New Castle City, 301 Pa. 359, pages 362 and 363. The Court saying in this case:

"The question hinges upon what is known as personal or private interest. The 'interest' in a matter which will disqualify a public official acting in an executive capacity must be certain pecuniary or proprietary acts and capable of proof. It must be direct, not contingent nor depending on an indirect benefit as that contract may or may not affect other independent transactions. A sentimental interest or a general interest is not enough."

III. The Petitioner, Presley N. Jones, in his argument asking for expulsion of the Respondent, Don Wilkinson, contends that the said Respondent violated Article 7, Section I, of the Constitution for Pennsylvania, said Article having to do with the Oath of Senators, Representatives and all Judicial, State and County Officers; and provides inter alia the following:

"And any person who shall be convicted of having sworn or affirmed falsely or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth."

and in support of his argument asserts that under this Section, the Respondent could be found guilty without a trial by jury; citing as his authority the opinion of the learned Chief Justice in the case of Commonwealth v. Walter, 83 Pa., 103 where the Court in construing Article 8, Section 9 of our Constitution used the following language:

"The word 'guilty' is defined by our lexicographers to mean 'having guilt'; 'chargeable with a crime'; not innocent'; 'criminal'. Hence we say a man is guilty

of an offense when he has committed an offense. We say he has been convicted of an offense when he has been found guilty by the verdict of a jury.'

Article 8, Section 9, supra, cannot be interpreted in the same manner as Article 7, Section I; and we believe the latter Article pre-suppose that a person must be convicted of perjury in Court of proper jurisdiction before being disqualified from holding any office of trust or profit within this Commonwealth. However a member violating his oath of office could be punished by the Legislature under Article 2, Section II of our Constitution, without first having been tried in Court of proper jurisdiction:

"Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitations, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense." Article 2, Section II.

CONCLUSION

Your Committee is of the opinion, from the argument above given, that the House of Representatives of the Session of 1941, has jurisdiction to punish a member for an offense committed in the 1939 Session provided that offense is one which affects the right of the member to hold office in the present term and that if such offense were established, it would be a violation of the oath of the member to the extent that the present Session of the House of Representatives would have the power to punish said member under Article 2, Section II, of the Constitution. However, we find that the matters alleged in the Petitioner's Bill of Particulars and Brief do not come within the meaning of the "personal and private interest" section contained in Article 3, Section 33 of the Constitution of Pennsylvania for the following reasons:

1—The matters alleged, namely the voting upon legislation in Act 277, approved the 28th day of June 1939, P. L. 508, affected the Respondent, Don Wilkinson, as a member of a class, to wit:—Tax Collectors.

2—The passage of said Act 277, by the House of Representatives in the absence of bribery, fraud or corruption would not make the Respondent's vote a violation of the Constitution, notwithstanding the fact that he may have received a pecuniary benefit from the results of the Act of Assembly.

We have omitted in argument any discussion concerning paragraph ten (10) of the Petitioner's Bill of Particulars which charges the Respondent with violating Section 895 of the Act of 1939, P. L. 872 of the General Assembly of Pennsylvania, making it a misdemeanor to disperse any paper purporting to be a legal process or summons of a Court of the Commonwealth of Pennsylvania. It is our opinion that charges of this nature should be made in the Court of proper jurisdiction where the Respondent would have the constitutional protection afforded Defendants charged with violating our Criminal Laws. If the Legislature undertook to try each member on matters submitted to it of this nature, the accused member might be at the mercy of a Legislature unsympathetic to his political views, which alone might be, the factor in determining

his guilt or innocence. We believe that except in case of impeachment and for crimes of bribery, perjury, corruption in office and closely related matters, the Legislature should not invade the field of Criminal Law to invoke the provisions of Article 2, Section II of our State Constitution.

The procedure asked for by the Petitioner, Presley N. Jones, is a most extraordinary one and should only be used in a case or cases where the evidence admits of no doubt as to guilt of the Respondent. To hold otherwise would turn an orderly and free House of Representatives into a chaotic and despotic body; and members might be allowed to hold office only by the will of two-third (2/3) of its membership. In this connection, we quote with approval the able argument presented in the dissenting opinion of Mr. Justice Dean in *Commonwealth v. Moir*, 199 Pa. 534:

"The time is not very remote in the past in English politics when the victorious political party, as soon as it was seated in power, promptly proceeded to cut off the physical heads of their leading antagonists and confiscate their property, it is not very remote in the future when the victorious political party will promptly proceed to cut off the political heads of its opponents where they hold office by the municipal vote of cities."

Your Committee therefore urges that the Prayer of the Petitioner that the House of Representatives authorizes the Speaker to appoint a committee of five members of the House of Representatives to inquire into the matter concerning the official conduct of Don Wilkinson and further inquire whether he is guilty of misconduct as grounds for expulsion from the House of Representatives, be refused.

EXHIBIT "A"

Printer's No. 9

THE GENERAL ASSEMBLY OF PENNSYLVANIA FILE OF THE HOUSE OF REPRESENTATIVES

RESOLUTION No. 9

Session of 1941

Introduced by Mr. PRESLEY N. JONES, January 28, 1941

Referred to COMMITTEE ON RULES, February 3, 1941

In the House of Representatives, January 28, 1941.

Whereas, Don Wilkinson of 73 Bedford Street, Forty-Fort is at present a member of the House of Representatives being duly elected at the general election held November 5, 1940 from the VI Legislative District of Luzerne County and was duly sworn in as a member of the House of Representatives on its convening in January 1941 and

Whereas, The said Don Wilkinson was duly elected a member of the House of Representatives from the said legislative district at the general election held November 7 1938 and was duly sworn in as a member of the said House of Representatives at its convening in January 1939 and

Whereas, The said Don Wilkinson while serving as a member of the House of Representatives as aforesaid introduced and sponsored legislation specifically an act defining the rights powers and duties of county tax collectors etc which act is now known as Act Number 277 approved the 28th day of June 1939 P. L. 508 and

Whereas, It is believed at the time the said Don Wilkinson introduced the bill aforesaid his purpose and intent

was to derive a private pecuniary profit for himself as a collector of such taxes he then being engaged in the collection of similar obligations and was not in furtherance of his sworn obligation as a member of the House of Representatives and

Whereas, It is believed at the time the said Don Wilkinson voted on this legislation he was engaged in negotiating contracts with school districts township and borough officers etc. for the collection of taxes thereunder for his own private interest and

Whereas, At the time of his voting on such legislation he did not state he was interested privately in such legislation in contravention of Article 3 Section 33 of the Constitution of Pennsylvania which reads

"A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member and shall not vote thereon" and

Whereas, If the said Don Wilkinson was interested and so conducted himself he would be guilty of such misconduct as would require his expulsion from the House of Representatives under the provisions of Article 2 Section II of the Constitution of Pennsylvania which reads as follows

"Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence to enforce obedience to its process to protect its members against violence or offers of bribes or private solicitation and with the concurrence of two-thirds to expel a member but not a second time for the same cause and shall have all other powers necessary for the Legislature of a free State A Member expelled for corruption shall not thereafter be eligible to either House and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense" therefore be it

Resolved, That the House of Representatives authorize the Speaker to appoint a committee of five members of the House of Representatives to inquire into and concerning the official conduct of the said Don Wilkinson and to further inquire whether he has been guilty of such misconduct as could be grounds for his expulsion from the House of Representatives and be it further

Resolved, That the said committee speedily report to the House of Representatives with appropriate recommendations

Mr. Speaker, I move the adoption of the report of the Committee on Judiciary General.

On the question,

Will the House adopt the report?

Mr. PRESLEY N. JONES. Mr. Speaker, I rise to oppose the motion of the gentleman from Allegheny, Mr. Brown in the light of fair play. May I state at this time, Mr. Speaker, that the report of the Committee on Judiciary General came to my hands just five minutes before Mr. Brown took the floor. My compliments to the Committee on Judiciary General for the very lengthy, and the very fine and fair job they did. I realize they have had a very arduous task; I realize particularly that the task of the sub-committee composed of Mr. Homer Brown as Chairman, Mr. Bentley, Mr. Shaffer, and Mr. McKinney, was one that was most difficult. I realize quite well, as I believe every man in this House realizes, that the decision arrived at today for which there is a motion upon this floor for its adoption, is the most momentous and vital one in the Commonwealth of Pennsylvania from this day on.

Mr. Speaker, I presented this Joint Resolution No. 9, Serial No. 28, after serious thought and study with a staff of attorneys, and in presenting the resolution it was presented not only on behalf of my constituents of New Castle, Pennsylvania, nor the county of Lawrence, but was presented on behalf of the constituents where they

have the same method of operation in the collection of delinquent taxes, as has been carried on in Nescopeck Township, Luzerne County, in the counties of Washington, Allegheny, Westmoreland and cities of Bradford, Williamsport, Lancaster, Scranton, Allentown and a good many others, too many to enumerate at the present time.

Mr. Speaker, because I realize that the report of the Judiciary General Committee has been quite lengthy I would appreciate your kind indulgence and that of every Member of this House in order that I can convey to you exactly why I took the stand I did after careful guidance by my attorneys. This paper was filed with the Judiciary General Sub-committee some five weeks ago, and only after careful preparation from the standpoint that when the collection of delinquent taxes started in the city of New Castle, Pennsylvania a mass meeting was called to which every citizen was invited, and I would say a great majority was very much against this procedure.

Mr. Speaker, may I further call your attention to the fact that even at this act one of the greatest jurists in the State of Pennsylvania, the Honorable W. Russell Carr had ruled that P. L. 508 of 1939 was a non-retroactive measure. That same decision, gentlemen, was upheld by the Superior Court of Pennsylvania, Judge Keller presiding, in which he said,

"The clear and concise opinion of the Lower Court is hereby upheld," showing that the provisions in the act were of a non-retroactive nature, and these provisions have been used to a great extent since that decision was arrived at.

IN THE MATTER OF RESOLUTION NO. 9 ASKING FOR AN APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE CONDUCT OF DON WILKINSON, A MEMBER OF THIS HOUSE

This paper is filed in answer to the demurrer interposed by Don Wilkinson questioning the power and right of the legislature to investigate his conduct for acts done in a prior session of Legislature. The demurrer filed pertains to the resolution above captioned.

Since the charge as made and the Bill of Particulars filed, together with demurer filed by Mr. Wilkinson, depend entirely on the meaning, interpretation and purport of two provisions of the Pennsylvania Constitution, for the sake of clearness, we herewith quote in full the two provisions of the Pennsylvania Constitution that are called in question:

Article VII, Section I, Pennsylvania Constitution. "Senators and Representatives and all judicial, State and County officers shall, before entering on the duties of their respective offices, take, and subscribe the following oath or affirmation: 'I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.'

"The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of

State Officers and Judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the County in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the Judges of the Supreme Court or of a Court of Common Pleas, learned in the law, in the Hall of the House to which the members shall be elected."

Article III, Section XXXIII, Pennsylvania Constitution. "A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

THE OATH TAKEN BY A MEMBER REQUIRES THE MEMBER TO OBEY THE CONSTITUTION OF PENNSYLVANIA AS A WHOLE

The mere reading of the oath is the most convincing argument in support of the proposition stated above. The word "obey" is not conditioned by anything less than the Constitution of Pennsylvania in its entirety. The word "obey" found in Article VII, Section I . . . I will support and obey and defend the Constitution . . . sworn or affirmed to is a prerequisite to the taking of office. "Obey" means to obey the entire Constitution, all of its provisions and amendments, effective and binding on the member at the time of taking his oath and during his tenure of office. Much has been said by Don Wilkinson that disobedience to Article III, Section XXXIII, carried no penalty, since the penalty is not specifically contained in the Article itself—it is our contention that the penalty for Article III, Section XXXIII is contained in the oath of office, Article VII, Section I, and which oath covers all provisions relating to the office.

It can not be said that the framers of our Constitution of 1873 were unmindful of the protection owed to the public and intended that a member take an oath for each separate provision of the Constitution. Specific oaths are not required for every specific vote or for each and every specific act done in the line of the member's duty. Only one oath is administered and that is binding on the member in all his activities throughout the term. A separate oath on each and every measure is not required. The one oath is administered and binds the legislator in all of his official duties. The argument advanced in the demurrer i. e., "The enforcement of Article III, Section XXXIII lies in the conscience of the individual member," is untenable. The purpose of the insertion of Article III, Section XXXIII, was to protect the public against the conscienceless member. The conscientious will religiously observe the rule regardless of its being incorporated into the organic law or any other law. The framers of the Constitution knew that many men elected to the Legislature regarded the public office as a public trust, but there would be others who would possess a facile conscience and in order to protect the public, it was necessary to insert this provision in the organic law (Article III, Section XXXIII) and Require the taking of oath (Article VII, Section I) that carries with it definite penalties for its violation.

THE REMOVAL OF A PUBLIC OFFICER FOR MISCONDUCT IN A PRIOR TERM

The weight of authority is to the effect that misconduct of a public officer in a prior term may constitute grounds for removal or impeachment. Decisions of Courts that hold the above state quite definitely that re-election does not condone the offense. This is especially true where a man is his own successor. Misconduct in a prior term such as contempt for the authority of the speaker, disorderly conduct on the floor, or offenses against the House that are disorderly, a succeeding House would not inquire into but offenses that are distinctly against the public, as those alleged in the complaint, the weight of authority favors the view that re-election does not condone such offenses and the separate entity of the succeeding House does not act as a bar.

The justice and the reasoning in support of the removal of officers in a prior term is well expressed in the case found in *State v. Welsh*, 109 Iowa, 19, 79 N.W. 369;

"The very object of removal is to rid the community of a corrupt, incapable, or unworthy official. His acts during his previous term quite as effectually stamp him as such as those of that he may be serving. Re-election does not condone the offense. Misconduct may not have been discovered prior to election, and, in any event, had not been established in the manner contemplated by the statute. The defendant was entitled to the office until his successor was elected and qualified. . . . Being his own successor, the identical officer continued through both terms. His disqualification to continue in particular office results from the commission of some of the prohibited acts during his incumbency . . . This has been the uniform rule in impeachment trials, where, coupled with removal from office, is the penalty of disqualification to hold any office of honor, trust, or profit under the State. In New York, Barnard, J., was impeached during his second term for acts committed in that previous. The same was true of the impeachment of Judge Hubble, of Wisconsin, and Governor Butler, of Nebraska . . . For many purposes each term of office is separate and entire. This is especially true with respect to the obligation of sureties. But there is no reason for so holding as to the incumbent. Being his own successor, there is no interregnum. His qualification marks the only connection between his term. The commission of any of the prohibited acts the day before quite as particularly stamps him as an improper person to be intrusted with the performance of the duties of the particular office as those done the day after."

Our reason for quoting this Iowa case is that much of the language and reasoning there used is quoted with approval by our own Supreme Court in *Throop Borough's School Directors* 298 Pennsylvania, Page 457.

In the paper filed by Mr. Wilkinson great reliance is placed on *Fudula's Petition* 297, Pennsylvania, 364. In the *Fudula* case, where it was decided that a school director could not be ousted for misconduct during a prior term, it should be remembered that a school director who is ousted under the School Code is only barred from holding office for five (5) years; Section 218 of School Code 24, Purdon's Statutes, 181. In the case of a school director being ousted under the School Code, there is no permanent disqualification from holding a public office or trust. Under Article VII, Section J. which we will discuss later, we merely mention at this time in making this distinction, that the disqualification provided as a penalty is "for-ever holding an office of public profit or trust."

An examination of cases later than Fudula's Petition place a very definite limitation on that case. On Page 458 of the case of Throop Borough's School Directors 298, Pennsylvania, 453, the Court said:

"Offenses committed during a previous term are generally held not to furnish cause for general removal, but where a removal with it carries a disqualification to hold office, in the future, the rule is otherwise. 46 C. J. 96."

In this statement, the Court admits that where the disqualification to hold office is a permanent one the rule of the Fudula case does not apply, but our Supreme Court by the adoption of the language of the case of State v. Welsh, Supra, which indicates that where there is a permanent disqualification for holding office that misconduct during a prior term is grounds for removal. At page 457, we find them using the language that is in line with the weight of authority, namely:

"The very object of removal is to rid the community of a corrupt, incapable, or unworthy official. The commission of any of the prohibited acts the day before quite as particularly stamps him as an improper person to be intrusted with the performance of the duties of the particular office as those done the day after. The fact of guilt with respect to that office warrants the conclusion that he may no longer with safety be trusted in discharging his duties."

Our own Supreme Court in adopting the language of the case cited above clearly enunciated the rule and the reason for the application of the rule.

**"BE FOREVER DISQUALIFIED FROM HOLDING ANY
OFFICE OF TRUST OR PROFIT WITHIN
THIS COMMONWEALTH"**

We wish at this time to call attention to the admission made in the paper filed by Mr. Wilkinson at Page 4. This admission deals with the intent of the framers of the Constitution and their attitude toward Article III, Section XXXIII. We herewith quote from the paper filed by Mr. Wilkinson:

"It is further interesting to note that when a question arose in the committee to whom this article is delegated, concerning a sanction or penalty for a violation, it was mentioned that the committee on sanction would provide for the penalty."

In connection with this admission, we call attention to Paragraph A, Page 3 of Mr. Wilkinson's Brief, to wit:

"The enforcement of this provision lies in the conscience of the member of the General Assembly and the House of Representatives has no power to enforce it. It contains no penalty and no sanction is contained in the Constitution."

The first admission in their paper clearly indicates that the framers of the Constitution did not intend that so vital a provision as Article III, Section XXXIII, was to be left to the conscience of the individual member. This admission on their part as to what transpired when it was being discussed indicates what is the truth, that the framers of the Constitution felt that this was a vital provision and that penalties should be provided for its violation.

We contend not only did they intend penalties to be provided but in the oath of office provided the sanction and carried out that intention.

In the Oath of office it is provided that:

"Any person who shall be convicted of having sworn or affirmed falsely shall be guilty of perjury and be forever disqualified from holding any office of trust or profit within this Commonwealth."

In the oath it is provided that:

"Any person having violated said oath or affirmation shall be guilty of perjury and be forever disqualified from holding any office of trust or profit within this Commonwealth."

These provisions, supra, read without any forced interpretation, but interpreted reasonably and fairly indicate beyond all doubt that sanctions were provided for the violation of Article III, Section XXXIII, or any other provision violated in the Pennsylvania Constitution.

If the offending member is found guilty by a jury of having sworn falsely, he is forever disqualified from holding any office of trust or profit. If it is determined by the Legislature or any other Court in quo warranto proceedings of having violated said oath or affirmation, he is disqualified from holding any office of trust or profit. We call the attention of the members of his committee that a conviction of crime is not a condition precedent to either the Legislature or the Courts preventing a member, who has violated his oath, from forever holding an office of trust or profit. In support of the above statement we herewith quote at length the case of Commonwealth v. Walter, 83 Pennsylvania, 105, in which it is held, on matters involving a similar provision, the conviction is unnecessary to give jurisdiction. It was not an essential preliminary at common law. The Commonwealth has the right to be allowed to enforce her rights without being driven into the criminal courts as a private prosecutor.

Justice Paxton at Page 107:

"Under the Act of June 14th, 1836, the writ of quo warranto is the appropriate remedy where any person shall usurp, intrude into or unlawfully hold or exercise any county or township office within the respective county; or where any person, duly elected to any such office, shall have done, suffered or omitted to do any act, matter or thing whereby a forfeiture of his office shall be created. It is not pretended that we have any statute which declares a forfeiture of either of the offices aforesaid by reason of any of the acts charged in the information. But the 9th section of the 8th article of the Constitution provides that 'any person who shall, while a candidate for office, be guilty of bribery, fraud or wilful violation of any election law, shall be forever disqualified from holding any office of trust in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.' The object of this provision in our fundamental law is manifest. The frequency and extent of election frauds were beginning to awaken serious apprehension for the future unless promptly checked. A fraud upon the ballot is a crime against the nation. Hence it was that the framers of the Constitution sought to arrest the evil by embodying in the fundamental law the provision referred to. It is our duty to give it such construction as will carry out the intent apparent on its face, and the object which the people had in adopting it."

"It will be seen that by the express and clear language of the section, any person who shall while a candidate for office, be guilty of any of the prohibited acts, is ipso facto forever thereafter disqualified from holding any office of trust or profit in the Commonwealth. It follows that if this defendant while a candidate for the office of High Sheriff of Butler County,

was guilty of 'bribery, fraud, or a wilful violation of any election law,' he is forever disqualified from holding his present office or any other of trust or profit."

"We have here an allegation on the part of the Commonwealth of the existence of certain facts which, if true, amount to a disqualification. Whether the defendant has committed the alleged acts would seem to be a proper subject of inquiry upon a quo warranto. But it was urged on behalf of the defendants, that it was not the doing of the prohibited acts which disqualified, but the being guilty of them; that such guilt could only be legally ascertained by a criminal prosecution in the Quarter Sessions where the defendant would be tried by a jury of his peers. This was substantially the ground upon which the Court below quashed the writ."

"We are to presume that the framers of the Constitution used the word 'guilty' in its ordinary or popular signification. That they had in view the distinction between being guilty of an offense and being convicted of an offense is clear, from their employing both words in the section referred to. In the concluding paragraph thereof they say 'any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely, for a term of four years.' The word 'guilty' is defined by our best lexicographers to mean 'having guilt'; justly chargeable with a crime; not innocent; criminal.' Hence we say that a man is guilty of an offence when he has committed such offence. We say he has been convicted of an offence when he has been found guilty by the verdict of a jury. We need not elaborate so plain a proposition. Be it as strongly urged on behalf of the defendant that great injustice would be done him if the question of his guilt was not first settled in the Quarter Sessions; that he is really charged with crime, and of such a nature as to blacken his reputation. We do not see the hardship. There are but two roads. The one leads to the penitentiary in case of conviction, the other merely to a disqualification from holding office. If we send him upon the latter path, surely he has no just cause of complaint. It is his right to have the issues of fact raised upon the quo warranto tried by a jury. He has therefore a trial by his peers in the latter proceeding. An adverse verdict deprives him of neither life, liberty nor property. It merely prevents his holding an office which he would have no right to hold by reason of disqualifying acts committed by himself. The effect of requiring a previous conviction in the Quarter Sessions would be to give the Defendant two jury trials; for such conviction could not deprive him of his right to a jury trial in the quo warranto. So that by the time of the Commonwealth had followed the Defendant to the end of his sinuous path the contest might become of little real importance, and the victory, if obtained, a barren one. The construction claimed for this section of the Constitution, if adopted, would render the said section of little practical value."

Again we call the attention of the committee to that of the case of Throop Borough's School Directors, 298, Pennsylvania 453, Pages 458, 459:

"Offenses committed during a previous term are generally held not to furnish cause for general removal, but where removal carries with it a disqualification to hold office in the future, the rule is otherwise. 46 Corpus Juris 96."

To hold there is no penalty is to take the word "obey" out of the oath. From the authority cited above in Commonwealth v. Walter, not only does the Legislature have the power to inquire into a legislator's past conduct, but if the facts are established by competent evidence at any

court of this Commonwealth, determined as a fact that he had violated his oath, he could be removed by quo warranto.

In conclusion, we state that Mr. Wilkinson evidently thought there was merit in this contention because in the case of Mrs. Estelle Brown vs. Don Wilkinson and the New Castle School Board at Nq. 1 December Term, 1940, Equity Court of Lawrence County, the point was raised about his right to hold the public office of delinquent Tax Collector, and Mr. Wilkinson resigned.

DO THE ACTS SET FORTH IN THE BILL OF PARTICULARS DISCLOSE A PERSONAL OR PRIVATE INTEREST?

The true test to be applied in determining whether the acts complained of were of a personal or private nature within the purview of Article III, Section XXXIII, would be an examination of the Acts cited in the Bill of Particulars involved in this case. Do the acts complained of in the Bill of Particulars and sustained by competent evidence show a personal or private interest on the part of Don Wilkinson? In determining a personal or private interest, the true test as we said in the beginning, is to be found in considering the acts complained of.

The Bill of Particulars in Paragraph 7 states that the Act of 1939 P. L. 508, made it possible for tax collectors to collect fifty cents (.50) for distraint, one dollar (\$1.00) for levy and ten cents (.10) per mileage and that prior to its passage there were serious legal questions as to the legality of this cause, Paragraph 8 of the Bill of Particulars states:

"That the passage of the Act of 277, 1939, resulted in great profit to all delinquent tax collectors in that, provision relating to attachment of wages were made mandatory on employers. The word 'shall' being used instead of the word 'may', inured to the profit of all tax collectors by making a penalty on employers mandatory.

Paragraph 10 of the Bill of Particulars states:

"That the said Don Wilkinson has intimidated, coerced the tax payers of the School District, by dispersing a paper that purports to be a legal process or summons of a court of the Commonwealth of Pennsylvania is unlawful and contrary to the Act of 1939, P. L. 872, Sec. 895, paragraph G, and a copy of said paper is hereto attached and marked exhibit "A" and made part of the Bill of Complaint."

As to whether or not Mr. Wilkinson thought about a personal or private interest is part of his statement made to Charles Snyder, a former employee of Mr. Wilkinson's is found the following affidavit:

I, Charles Snyder of Dallas, Luzerne County, Pennsylvania, have lived in Luzerne County all my life. I have known Don Wilkinson for twelve years, knowing that he operated a tax collecting agency for the last ten years.

I solicited a position with him before the primary election of 1938. Mr. Wilkinson came to my home with campaign literature and asked me to support him for General Assembly, telling me that in return for my efforts he would be able to give me a position immediately, if he were nominated.

I was sent to Williamsport for a two weeks instruction for which I received no compensation. In Williamsport the collection was made on a percentage basis. Ten percent (10%) was received by Mr. Wilkinson and the other Ten percent (10%) was divided between the men working on the collection of taxes. Approximately, Forty-seven Thousand Dollars (\$47,000.00) was collected.

After working for Mr. Wilkinson for some time, he told me he intended to introduce a Bill before the House which would make the collection of taxes much easier and more profitable. Some time later Mr. Wilkinson handed me to read a copy of House Bill 979, which he had introduced in the Assembly. After we talked about House Bill 979, Mr. Wilkinson said that it would make the attachment of wages for taxes legal. Mr. Wilkinson said all other Acts read that in the matter of wages that the Firm 'may' deduct from the wages of their employees but this Act compelled the Firms or corporations to make the deductions from the wages of their employees and imposed a penalty for not making the deductions.

I, hereby, swear that the facts contained herein are true and correct.

CHAS. SNYDER.

Sworn and subscribed to before me,
a Notary Public, in and for the county
of Dauphin, Pennsylvania, this tenth
day of June, 1941.

CARROLL B. PRICE

Notary Public

My Commission Expires March 9, 1943.

Again we have Mr. Wilkinson's idea on whether he had a personal or private interest when we refer to the Bill of Particulars in the following affidavit:

I, S. Emerson Harris, of 227 Linden Street, West Pittston, Pennsylvania, of my own free will and accord without any inducements or promises make the following statement relative to my employment with Don Wilkinson, as a Deputy Tax Collector. Mr. Wilkinson is a member of the Pennsylvania Assembly from the Sixth Legislative District, Forty-Fort, Pennsylvania.

I have known Mr. Wilkinson for three years and I met him through the Rod and Gun Club of the Sixth Legislative District and I was employed by him through the Chairman of the Republican Party of the Sixth Legislative District, Peter Clark.

I started to work for Mr. Wilkinson in July of 1940, and had to serve two weeks apprenticeship without pay in order to qualify as a Deputy Tax Collector. Mr. Wilkinson required this of all his help. My apprenticeship was served at Allentown, Pennsylvania, and that is also where my apprenticeship and job began. From Allentown I was sent to Hazleton, Pennsylvania. I worked there about a month and then my contract was terminated two weeks before the election of November 1940. Due to Mr. Taylor being the hotel owner and member of the School Board in Allentown, six of the employees were told by Mr. Wilkinson to rent an apartment in the hotel which amounted to One Hundred Eighty Dollars (\$180.00) a month, for which each man had to pay his proportionate share.

We collected the 'cream of the town' in taxes first. The rest of the town was worked but not too much time was wasted on it. This was done upon instructions from Mr. Wilkinson. Instructions from Mr. Wilkinson were to make sure that the One Dollar Sixty Cents (\$1.60) cost were collected. That was the main object of the collection of these taxes. According to Mr. Wilkinson's instructions were that in going over the town we were to spend most of our time on the tax payers who we thought were able and would pay and not waste much time on those we thought would not answer the Summons. The office

of Mr. Wilkinson kept a record of the streets on which the employees were working in order that if any of the residents voluntarily came in to pay from the streets which were being worked at that time, they would collect the One Dollar Sixty Cents (\$1.60) cost, taking it for granted that the five day Summons had already been served before they made the voluntary payment. In the instructions given to me, I was not to collect at the residence for that would eliminate the cost but often times the costs were collected even when the taxes were paid at the residence, even though the cost were illegally obtained in this manner and to Mr. Wilkinson's knowledge. Any taxpayer that ignored the levy made on his household goods was not prosecuted in any manner. Taxes were collected from those who were willing to pay the taxes and costs and those who disregarded the levy were never bothered at any later date for collection of those taxes and they were exonerated from paying. We left many delinquents exonerated when we left town.

We were instructed to use a five day period in which people were to appear at the Tax Office to pay these taxes but at the same time Mr. Wikinson told us that these five day Summons were not legal, that the law called for a thirty day period before they must appear. Mr. Wilkinson told us that we must use this five day Summons so that they would appear early and we would not have to waste any time and that taxes must be collected in a short time so that he could move on to another job. The object being that he could collect the One Dollar Sixty Cents (\$1.60) cost without much trouble and with the least amount of expense.

All instructions were the same for every job done regardless of what community we were working in, the main object was to have the greatest number of people pay without many questions being asked by them. He told us that if this five day Summons were questioned, he didn't think it would or could stand a Court test and he said he had approved and furthered the lobbying in Harrisburg to get this Law passed.

I was on a flat salary of Forty Dollars (\$40.00) a week at both Allentown and Hazleton, out of which I paid my own expenses and at no time were there any deductions made for Workmen's Compensation, Unemployment Compensation or Old Age Pension.

On the Luzerne County Institution Tax, the name of H. Berkheimer was substituted for the name of Mr. Wilkinson, who is elected to office from that particular County and District, who did not want his name connected with the collection of these delinquent taxes because of the effect it would have on his political future. Russell Lohman was Mr. Wilkinson's brother-in-law and manager of his western activities in the delinquent tax collection in that section of Pennsylvania. Mr. Wilkinson has been in this delinquent tax collection business for a period of more than ten years.

Mr. Wilkinson told us often, that he had spent quite a bit of time in Harrisburg to pass Act 277 in the Session of 1939, which helped him in the collection of delinquent taxes. He also said he wanted to spend one more term in the Assembly so that he would be able to pass legislation that would abolish local tax collectors and centralize the collection of taxes in each county. He thought, he said, with the passage of the Bill and the collecting organization he had built up and also with the aid of the Bonding Company, he would be able to secure and hold all

those jobs in each county and that it would be a 'gold mine' for him and give him a very lucrative income. He stated that if he were returned to the Legislature and could get his Bill passed that we, all of his employees, would receive more money, have better jobs and be set for quite some time to come.

I have read the above statement and swear it is true and correct as dictated by me according to the facts known by me.

S. EMERSON HARRIS.

Sworn and subscribed to before me,
a Notary Public, in and for the county
of Dauphin, Pennsylvania, this tenth
day of February, 1941.

CARROLL B. PRICE
Notary Public

My Commission Expires March 9, 1943.

As to whether Mr. Wilkinson thought he has a personal or private interest in the Bill we again call attention to the following affidavit as to what Mr. Wilkinson said to a former employe of his, Morris M. Lloyd:

I, Morris M. Lloyd, of Truckville, Luzerne County, Pennsylvania, have known Don Wilkinson some twenty years and know that he operated a collection agency for collecting taxes from municipalities' and Bonding Companies for the past ten years.

On June 26, 1939, I accepted employment with Mr. Wilkinson. On the twenty-seventh day of June, I rode from Wilkes-Barre, Pennsylvania to Bethlehem, Pennsylvania with Mr. Wilkinson at which time he gave me to read a copy of House Bill 979, the Bill later passed as Act 277 and was signed by the Governor on June 20, 1937. Mr. Wilkinson said to me that this Bill would improve his business as it made legal all points of his tax collecting business and he was very jubilant as he said he had gotten this bill passed as this Bill would make legal the charges and mileage which he was then collecting. This made legal his collection of fifty cents (50c) for distraint, One Dollar (\$1.00) for the levy and ten cents (10c) per mile.

This was my first day employed by Mr. Wilkinson as I was to work for two weeks gratis and pay my own expenses while learning the business. I worked for several weeks in Bethlehem, Pennsylvania becoming familiar with the business and was then sent out to make contacts with tax collectors and School Boards to secure collections. I covered the entire State and among other towns, contacted the School Board at New Castle, Pennsylvania, with his Mr. Lohman, who is also a brother-in-law of Mr. Wilkinson. I, also, worked at Beaver, Pennsylvania, where the collection was made for the Bonding Company.

I worked until November 23, 1940, for Mr. Wilkinson and collected in most of the larger towns in the State, both for the School District, the tax collectors and some jobs for Bonding Companies.

Our average collections were between fifty per cent (50%) and sixty percent (60%) of the delinquent accounts running in some of the Townships as high as seventy-five percent (75%) to eighty-eight percent (88%).

I hereby swear that these facts contained herein as true and correct.

MORRIS M. LLOYD.

Signed and sworn to before me, a Notary Public, in

and for the county of Dauphin, Pennsylvania this tenth day of February, 1941.

CARROLL B. PRICE
Notary Public

Commission Expires March 9, 1943

In our judgment, if consideration is given to the specific acts complained of, the mind of any unbiased person will be irresistibly drawn to one conclusion, namely, that such interest as these acts disclose is not remote, incidental or speculative but the interest disclosed by these acts is pecuniary, direct, certain and fixed.

On Page 3, Paragraph 11b, it is stated in the paper filed by Mr. Wilkinson, i. e., "The interest referred to by this section as a personal or private interest is an interest which no other person has or possesses. The section does not apply to interest which is the same as others have or an interest which a class of people have in the legislation." With the statement that, the interest, which no other people possess, we flatly disagree. If this statement is not the limit of absurdity, it is because absurdity knows no limitation. To hold that an individual who had a personal or private interest must hold that to the exclusion of all the world, no one can defend. To avoid punishment that would be necessary is that the Legislator, having the personal or private interest, would only need to take in another lucre-minded member as a partner in the venture and divide the spoils with him. Don Wilkinson's statement must fall of its own weight.

Mr. Wilkinson in voting and sponsoring the Act of 1939, was motivated by a pecuniary, selfish and monetary profit to himself which he could reap from the passage of the bill. In the legislature of 1939, Mr. Wilkinson's interest differed from any other legislator in that session. It is true that there may have been other tax collectors in that session. But in the session of 1939, there was no other member who was engaged in the business of collecting delinquent taxes. There was no other member who held himself out of the public and the various divisions in our Commonwealth as an expert tax collector. In the session of 1939, there was no other member, who already was engaged in the business of collecting delinquent taxes and who had a force of skilled employees working for him; there was no other member in that session to whom the passage of that act meant hundreds of thousand of dollars. In our own County of Lawrence, Don Wilkinson, after the passage of the act of 1939, entered into a contract with the school district of the City of New Castle for the collection of delinquent per capita taxes. Under the said contract the possible commissions and profits to Don Wilkinson was over \$145,586.07. This is just one of the scores of contracts entered into by Don Wilkinson with various taxing divisions in our commonwealth. We cite this example because it is the one with which we are most familiar. After Mr. Wilkinson entered into this contract, a bill in equity was filed in the Common Pleas Court of Lawrence County at No. 1 December Term, 1940, Equity Court, asking that Don Wilkinson be enjoined from collecting any taxes under the contract. One of the grounds alleged in the bill for an injunction was that Don Wilkinson violated his oath of office by voting on the Act of 1939 and therefore, was disqualified from holding an office of public trust within this Commonwealth. After Don Wilkinson was served with the said "bill in equity", he resigned as tax collector. His conduct was not the conduct of an innocent man, but

the conduct of one who feared the penalties prescribed for his unscrupulous acts.

What is a personal or private interest within the meaning of Article III, Section XXXIII, is defined by our court in *Wilson v. City of New Castle*, 301 Pa. 359. Third class city law provides as follows, "A member of council who has personal or private interest in any measure or bill proposed or pending before the council, shall disclose the fact to Council and shall not vote thereon nor take any part in the discussion of the same. The language of the act construed in the *Wilson* case is identical to the article of the constitution in question. At page 362 of the *Wilson* case, the Court said, "The question hinges on what is known as 'personal or private interest'". The "interest" in a matter which will disqualify a public official acting in an executive capacity must be contained, pecuniary or proprietary, and capable of proof. It must be direct not possible or contingent, nor depending on an indirect benefit, as that the contract may or may not affect other independent transactions. A sentimental interest or a general interest is not enough. In short, "interest" must be reduced to a financial one coming directly to the public officer or to the company of which he is an officer. A contract would be manifestly against public policy if it were awarded by a person having a direct personal interest in pecuniary return from the contract . . . It must be a more direct personal interest, weighed in terms of money coming from the contract as such.

It is submitted that Don Wilkinson's act comes within the condemnation of the above rule. Prior to the act of 1939, there was some question as to whether or not a tax collector could include costs in his distress for collection. The Attorney General of Pennsylvania had delivered an opinion and many municipalities and taxing divisions took the position that the act of 1935 which abolished imprisonment for taxes, abolished as well the right for the collector to levy for costs in addition to the delinquent tax. Prior to the act of 1939, the School Code provided that a delinquent tax collector could not receive a greater salary or commission than that paid the regular collector. Don Wilkinson was engaged in a delinquent tax collection business. He contracted with many municipalities and taxing divisions to collect delinquent per capita tax and other taxes. Such was the status of the law when Don Wilkinson entered the legislature in 1939. By the act of 1939, Don Wilkinson removed all doubt from the statute and made it mandatory that a delinquent tax collector be allowed the cost of a constable when he levies for delinquent taxes. Thus, Mr. Don Wilkinson would be entitled to approximately \$1.60 on all levies and \$5.00 if a sale should prove necessary. Surely, this was a direct pecuniary interest to Mr. Wilkinson who would be enabled by this act to reap hundreds of thousand of dollars in profit which he could not do before the passage of the act. If there is any doubt in this committee still, that Don Wilkinson did not have a private and pecuniary interest in that act of 1939, we intend to show by competent evidence that Mr. Wilkinson solicited and made known to many people that the act of 1939 would make him wealthy and the few friends that would work with him would be rewarded and that all he needed was one more term in the legislature and that he could retire.

Don Wilkinson was elected as a legislator for Luzerne County. As a legislator, he was entrusted with the right to represent his constituents not only in that district but

in Pennsylvania. As a legislator, he was a quasi-fiduciary entrusted with a power but a limited power. A power to be used only for the best interest of the people who entrusted him with that power. When there come a time that Don Wilkinson acted not because he was motivated by the best interest or what was best for his constituents but because he was motivated by what was pecuniary best for his own interest, common prudence directed that Mr. Wilkinson abstain from breaching the trust and abstain from using the power vested in him by his cestuis, the people of Pennsylvania, the voters of his district, to sub-serve an interest of his own which was contrary to the interest of his constituents. It is horn book law that a trustee who has an adverse interest can not act in his trust. Surely, the rule of law, which protects a cestui against an unscrupulous trustee in private matters applies equally as well the cestui is the people of Pennsylvania, and the trustee is their duly elected delegate to the legislature.

CONCLUSION

THE LEGISLATURE HAS THE POWER TO INVESTIGATE AND HOLD A MEMBER ANSWERABLE FOR HIS ACTS

The vice of a member having a personal and private interest in a Bill is well illustrated by the Act of 1939, P. L. 508, by Don Wilkinson, who admits playing a prominent part in securing its passage. Other members of the Assembly, having a lesser knowledge, would look upon Don Wilkinson as a distinterested expert. Some other members of the Assembly would look upon the measure as meritorious and not figure on the Bill to use Don Wilkinson's graphic language, "a gold mine", for delinquent tax collectors. Delinquent tax collection as far as this Bill was concerned could well become a racket. Is it a sufficient answer, when faced with the clear facts of misconduct, to say to the legislative committee, "So what"?

In addition to the provisions of Article VII, Section I, quoted throughout the brief, we call attention to another provision of the Constitution, which gives the legislature the right to oust a misbehaving member.

Constitution of Pennsylvania, Art. II, Sec. XI Section XI. Powers of each branch; Expulsion "Each House shall have power to determine the rules of its proceeding and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense."

We are of the opinion that the oath of office administered to a member, "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution", means exactly what it says and the member taking such oath is bound to observe all the provisions of the Constitution and by no possible interpretation can the member pick out what provisions he will observe and what provisions he will defy. Further, it was never intended by the framers of the Constitution that the people of

Pennsylvania were to be protected by so unreliable a safeguard as the elasticity of the individual conscience of the member. Any conscientious member who violates any of the prohibitions embodied in our Organic Law for the protection of the public, does so at his peril. The penalty provided for the protection of the public, "be forever disqualified from holding any office of trust or profit within this Commonwealth", may seem to some severe, but it is to be remembered that nobody suffers the penalty unless he offends against the provisions.

Can the reasoning of Don Wilkinson be supported under law or justice when the very purport of his position allows a member to reserve his venal conduct to the close of a Session, before all the facts and his machinations can be discovered—knowing that the close of the Session is a bar to all further inquiry?

Mr. Speaker, I realize quite well that my presentation was quite lengthy and I can only express my thanks for your consideration. As I said before I feel that the motion of the Committee on Judiciary General in respect to Resolution Number 9 is of very, very vital importance, because it will set an example for what may be very necessary in the future to the Commonwealth of Pennsylvania. It seems to me, gentlemen, if we are to build structures that are to withstand the elements in the future it is necessary that we should have the courage of our convictions in order that the structures will hold together.

I do not want to seem unfair to any man in this House, particularly to the gentleman that this resolution was filed against. Mr. Speaker, I therefore feel that the report of the Committee on Judiciary General relative to Resolution Number 9 is unfair and unjust to the gentleman from Luzerne, Mr. Wilkinson. In the short time in which I had to read the report, namely about four or five minutes, I do feel that justice has been done to Mr. Wilkinson to this degree. The question still remains, he is still guilty, and the ruling of the Committee on Judiciary General is to the effect that there is no ground upon which a member can be expelled. Therefore the honorable gentleman from Luzerne, Mr. Wilkinson, if he is not guilty, should be given every positive right to face a committee of five which I requested in order to show his facts and figures and submit to a duces tecum in order that we can clear up the situation entirely as to whether he is guilty or not.

Mr. Speaker, I submit to you that the motion to refuse the resolution is unfair to Mr. Wilkinson and I ask that you vote this motion down, and, Mr. Speaker, I ask for a roll call.

Mr. BROWN. Mr. Speaker, I sincerely request that the Members vote "aye" on this motion. You have heard two lengthy reports and I am not going to discuss them, because we have filed our written report. I wish the Members would take the written report and read it and study it, and they will see that the committee has been honestly fair to all concerned. We have stated that it would be unwise for a free Legislature to take action of this kind in expelling a Member from the House unless it involved a case of impeachment for corruption, bribery or fraud in the passage of the act through the House. Not once did Mr. Jones or anybody in his behalf present any evidence to the committee of any corruption, bribery, fraud, collusion or connivance in any manner which would absolutely give us jurisdiction in this

House. We have advised Mr. Jones, and we have so stated in our brief that these matters should go into the criminal court where a man has the protection of the ordinary safeguards of the Constitution placed around him.

I sincerely ask all of you to vote "aye" and adopt the report of the Committee on Judiciary General.

On the question recurring,

Will the House adopt the report?

The yeas and nays were required by Mr. JONES and Mr. BROWN and were as follows:

YEAS—190

Achterman,	Gates,	McClanaghan,	Sarge.
Auker,	Gerard,	McClester,	Sarraf,
Baker,	Gillan,	McDowell,	Scanlon,
Balthaser,	Gillette,	McFall,	Schwab,
Baughner,	Goodwin,	McGrath,	Serrill,
Bentley,	Gross,	McIntosh,	Shaffer,
Bentzel,	Gryskewicz,	McKinney,	Shaw,
Boles,	Gyger,	McLane,	Shepard,
Boney,	Habbyshaw,	McMillen,	Simons,
Boorse,	Haberlen,	McSurdy,	Skale,
Bower,	Haines,	Melchiorre,	Snyder,
Bradley,	Hall,	Modell,	Sollenberger,
Brown,	Hamilton,	Monks,	Sorg,
Brunner, C. H.,	Hare,	Mooney,	Stambaugh,
Brunner, P. A.,	Harkins,	Moran,	Stank,
Burns,	Harmuth,	Moul,	Stine,
Cadwalader,	Harris,	Muir,	Stockham,
Chudoff,	Heatherington,	Munley,	Tarr,
Cochran,	Helm,	Nagel,	Tate,
Cohen, R. E.,	Hering,	Nunemacher,	Taylor,
Cook,	Herman,	O'Brien,	Thompson, E.,
Cooper,	Hewitt,	O'Connor,	Thompson, R.,
Cordier,	Hirsch,	O'Dare,	Trout,
Corrigan,	Holland,	O'Mullen,	Turner,
Croop,	Huntley,	O'Neill,	Van Allsburg,
Cullen,	Imbrie,	Owens,	Verona,
Dairymple,	James,	Petrosky,	Vincent,
Dennison,	Jefferson,	Pettit,	Vogt,
DiGenova,	Keenan,	Polaski,	Voldow,
Dix,	Kenehan,	Polen,	Voorhees,
D'Ortona,	Kline,	Powers,	Wagner,
Duffy,	Knoble,	Prosen,	Watkins,
Early,	Komorowski,	Rank,	Weingartner,
Elder,	Krise,	Rausch,	Weiss,
Elliott,	Lee, E. A.,	Readinger,	Welsh, E. B.,
Ely,	Lee, T. H.,	Reagan,	Welsh, M. J.,
Falkenstein,	Lelsey,	Reese, D. P.,	Williams,
Finestone,	Leonard,	Reese, E. E.,	Winner,
Finnerty,	Lesko,	Regan,	Wolf,
Fiss,	Levy,	Rhea,	Wood, L. H.,
Fleming,	Leydic,	Riley,	Wood, N.,
Fletcher,	Lichtenwalter,	Rooney,	Woodring,
Flynn,	Longo,	Rose, S.,	Woodside,
Foor,	Lovett,	Rose, W. E.,	Wright,
French,	Lyons,	Rosenfeld,	Yeakel,
Gallagher,	Malloy,	Royer,	Yester,
	Maxwell,	Rush,	Young,
			Kilroy, Speaker.

NAYS—1

Jones, P. N.,

So the question was determined in the affirmative and the report was adopted.

Mr. PRESLEY N. JONES. Mr. Speaker, I am sorry but I attempted to gain your attention and the attention of the Members of the House. Mr. Speaker, I respectfully suggest that the vote be made unanimous.

The SPEAKER. If the House will give its unanimous consent the vote will be made unanimous. The Chair hears no objection and the vote is 191 to nothing.

RESIGNATION FROM CONFERENCE COMMITTEE ON
SENATE BILL No. 253

The SPEAKER laid before the House the following resignation which was read by the Clerk.

June 2, 1941.

Honorable Thomas J. Callahan
Chief Clerk, House of Representatives
Harrisburg, Pennsylvania.

Dear Mr. Callahan:

I hereby tender my resignation as a member of the Conference Committee on Senate Bill No. 253 as of May 20, 1941.

Very truly yours,
MARTIN C. MIHM.

CONFERENCE COMMITTEE ON SENATE BILL No. 253

The SPEAKER. If there is no objection the Chair will name the gentleman from Allegheny, Mr. Sarraff, in place of the gentleman from Allegheny, Mr. Mihm, as a member of the Conference Committee on Senate Bill No. 253, Printer's No. 152. This committee was appointed last week. The Chair hears no objection and Mr. Saraff is substituted for Mr. Mihm.

PERMISSION TO ADDRESS HOUSE

Mr. BROWN asked and obtained unanimous consent to address the House.

Mr. Speaker, during our debate in presenting the report on House Resolution No. 9, I omitted in my remarks to pay due respect to the Parliamentarian of this House, the Honorable S. Edward Moore. I would like the record to show that in the matter we had under discussion he very ably assisted us, and without his assistance no doubt we should not have found some of the precedents that we have embodied in our report.

GOVERNOR OF PORTO RICO INTRODUCED

The SPEAKER. We have with us this evening a distinguished Pennsylvanian, the Governor of Porto Rico, the Honorable Guy J. Swope. If there are no objections the Chair will call upon him for a few remarks. The Chair hears none. The Chair presents to this House, the Governor of Porto Rico.

REMARKS BY GOVERNOR GUY J. SWOPE

HON. GUY J. SWOPE. Mr. Speaker and Members of the House of Representatives of the Commonwealth of Pennsylvania, I bring you greetings from the easternmost outpost of the United States of America. In the name of the two million souls who inhabit that beautiful little island at the juncture of the Atlantic with the Carribean, I bring you greetings from the youngest parliamentary body in the American Commonwealth, and yet at the same time from the oldest community which now enjoys government under the American flag.

I am deeply moved emotionally to be asked by your Honorable Speaker to say a few words to you who as a continuation represent one of the very oldest of parliamentary bodies on the North American continent. We of Porto Rico are proud to be called fellow-American, brothers with you of the states on the continent, and in turn we ask that you also try to be our brothers.

When I took office in Porto Rico a well-meaning friend, a local resident, came to me and stated that Porto Rico politics was a very hard game, that the boys asked no quarter and frequently gave none, and he feared that perhaps the situation might frequently become very perplexing to me in the Governor's Chair. He said, "Have you had any experience in politics?" I said, "I have had a little." He said, "Where?" I said, "in Pennsylvania." "Well," he said to me, "in that case I'm going

to warn the politicians of Porto Rico."

I just finished the work about ten days ago that was left on my desk by the Legislature of Porto Rico. We have a House of 39 members and a Senate of 19 members, which operates very much in the same manner as the Legislature of Pennsylvania frequently operates. There are many discussions and many dissensions, but in the final analysis the results flow from the Democratic process.

Let no one be dismayed at some of the things that come out of Legislative procedure, because we are here free beings, the very keystone of democratic government, in permitting the people to express themselves through their elected representatives. The people of Porto Rico are eager and anxious to have the democratic process, to prosper in it and to learn about it from their northern brethren. When they concluded their work on the fifteenth of April, and I might add parenthetically that under our Constitution they meet on the second Monday of February every year and must adjourn by the fifteenth of April. The boys and girls—and we have some girls in our Legislature who did a "right smart" piece of work this year. When they left they had on my desk 387 bills, some of them containing 80 pages of closely typewritten words. I read every word of them; I read all the reports on them and then I decided as to my action. I think I gave them a fair break, I vetoed 199 and signed 188.

My friends, I do not want to take up your time any longer except to reiterate my great and heartfelt pleasure at being privileged to stand before you for a brief few moments in the State where I was born, where I lived most of my life and where I hope my bones may rest when my time on earth has concluded.

I invite you to come to Porto Rico during the session of our Legislature. We have somewhat more direct action than you more sophisticated brethren have in Pennsylvania. The Speaker and the President of the Senate have considerable power, and if they do not like some of the things that are said on the floor, they just rule them out and they don't get into the Journal at all. When you come to Porto Rico, I want you to see me. I will show you an island where we stand ready to defend all the things that are held near and dear by the American people. We are building defense works there through which we will be able to intercept any unfriendly visitor who might endeavor to cross the Atlantic for the purposes of attack upon any part of the New World. I am speaking of my Porto Rico citizenry now, we are doing that cheerfully and we are doing it willingly. We have almost thirty-thousand men under arms, of whom almost twenty-thousand are citizens of Porto Rico. Under the Defense Act, we have called to the service by selection more than ten thousand Porto Ricans, and all but ninety-four of those who had to be selected for special services were taken from the volunteer registers that we have in Porto Rico, and we have a sufficient number on the volunteer registers to meet all the requirements of selective service for the next two years to come.

The men and women of Porto Rico are proud to be called Americans. They know what the fundamental principles of liberty mean to them and to you on the continent, and to whatever extent they may be called upon to make good, with a full understanding of what liberty means, they will come to the support of the flag. When you come to Porto Rico I will show you some of

the most beautiful scenery outside of Pennsylvania that you can see in the whole United States, mountains and valleys, sugar cane fields, coffee plantations, grapefruit orchards and all kinds of fruit farming. When you do I will take a day off and accompany you through that island. We can cover it from one end to the other in one day. It is only one hundred miles long and thirty-five miles wide. Again I thank you for the honor you have given me tonight.

BILL ON FIRST READING

The SPEAKER. The Chair at this time returns to Bills on First Reading, House Bill No. 1505, Printer's No. 679.

A similar and almost identical bill, House Bill No. 851, Printer's No. 320, was twice defeated by this House. This bill cannot be considered except by unanimous consent of the House or a suspension of Rule 60.

MOTION TO SUSPEND RULE

Mr. SCANLON. Mr. Speaker, I move that Rule 60 of the House be suspended for the specific purpose of considering House Bill No. 1505, Printer's No. 679.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. GATES and Mr. NORMAN WOOD and were as follows:

YEAS—64

Chudoff,	Jefferson,	McSurdy,	Scanlon,
Cohen, M. M.,	Kenehan,	Melchiorre,	Schwab,
Corrigan,	Kilne,	Modell,	Shepard,
Cullen,	Kolankiewicz,	Monks,	Skale,
DiGenova,	Komorowski,	Munley,	Stank,
Duffy,	Lesko,	O'Brien,	Tate,
Early,	Levy,	O'Mullen,	Thompson, E. F.,
Falkenstein,	Lichtenwalter,	Owens,	Turner,
Finestone,	Longo,	Petrosky,	Vincent,
Finnerty,	Lovett,	Polaski,	Voldow,
Flynn,	Malloy,	Powers,	Voorhees,
Gryskewicz,	McClanaghan,	Rausch,	Watkins,
Harmuth,	McDermott,	Reese, D. P.,	Welsh, E. B.,
Herman,	McFall,	Regan,	Woodring,
Hersch,	McLanahan,	Rooney,	Young,
Hirsch,	McLane,	Rose, S.,	Kilroy, Speaker

NAYS—80

Achterman,	French,	James,	Rose, W. E.,
Auker,	Gates,	Krise,	Royer,
Balthaser,	Gillette,	Lee, T. H.,	Serrill,
Bentzel,	Goodwin,	Lelsey,	Shaffer,
Boorse,	Greenwood,	Leonard,	Simons,
Cadwalader,	Gross,	Leydic,	Snyder,
Cooper,	Gyger,	Lyons,	Sorg,
Dalrymple,	Habbyshaw,	McClester,	Stambaugh,
Dennison,	Haberlen,	McDowell,	Stine,
Cochran,	Haines,	McIntosh,	Taylor,
Dix,	Hall,	McMillen,	Thompson, R. L.,
Dolon,	Hamilton,	Mooney,	Wagner,
D'Ortona,	Hare,	Moran,	Weingartner,
Eckels,	Harkins,	Moul,	Welsh, M. J.,
Elder,	Harris,	Muir,	Winner,
Elliott,	Heatherington,	Pettit,	Wood, L. H.,
Ely,	Helm,	Polen,	Wood, N.,
Fiss,	Hewitt,	Readinger,	Woodside,
Fleming,	Holland,	Rhea,	Wright,
Floor,	Imbrie,	Riley,	Yeakel,

Less than a majority, one hundred and five, having voted in the affirmative, the motion was not agreed to and House Bill No. 1505, Printer's No. 679, is dropped from the calendar.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 492, entitled:

An Act licensing and regulating the business of mining

anthracite coal; providing for the issuance and revocation of licenses by the Secretary of Mines; authorizing said Secretary to enter mines; to issue regulations governing the administration of this act, and to appoint mining engineers who are empowered to enter mines and inspect the same; requiring a corporate surety bond to accompany every application for a license; authorizing appeals to the Court of Common Pleas of Dauphin County; and prescribing penalties.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. STANK. Mr. Speaker, I move that this bill be re-committed to the Committee on Mines and Mining for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1280, entitled:

An Act limiting the time within which suits or actions shall be brought for damages to surface property resulting from the mining of coal; and excepting from the operation thereof any suits or actions pending on its effective date.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. STANK. Mr. Speaker, I move that this bill be re-committed to the Committee on Judiciary General for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1100, entitled:

An Act to further amend section 713 and to amend section 724 of the act approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 905) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," increasing the fee for an operator's license and providing for the payment of the increase into the general fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1099, entitled:

An Act to provide reimbursement for hospitals on account of expenses of the care, treatment and maintenance of indigent persons without ability or means to support themselves, injured in motor vehicle accidents; imposing powers and duties upon certain State Departments; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 460, entitled:

An Act converting the State teachers' colleges and the Cheyney Training School for Teachers into advanced technical and trade schools to be known as "Pennsylvania State Trade School Defense Training Centers," to train men for defense work; providing for admissions to and regulation of such schools and alteration and equipment of buildings therefor; and conferring powers and imposing duties on certain State departments and agencies.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HOLLAND. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1661, entitled:

An Act to amend section three of the act, approved the tenth day of May, one thousand nine hundred and thirty-nine (P. L. 111), entitled "An act relating to, and providing for, the promotion and development of business, industry and commerce in the Commonwealth; conferring powers and duties upon the Department of Commerce and other agencies of the Commonwealth; abolishing the Pennsylvania State Publicity Commission, terminating the terms of its members and conferring its powers upon, and transferring and appropriating the balance of its current appropriation to, the Department of Commerce; and re-

pealing certain laws" providing for the promulgation or adoption and administration by the Department of Commerce of voluntary plans to control the output of mineral resource industries located preponderantly within the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. ACHTERMAN. Mr. Speaker, in connection with the motion to recommit this bill I want to state that it was released from committee with the understanding that it was to have two readings and then be recommitted.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1441, entitled:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No. 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1482, entitled:

An Act to amend section four hundred eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or

mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 611, entitled:

An Act providing for the acquisition by the Department of Forests and Waters in the name of Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1519, entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1659, entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1676, entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1457, entitled:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways and making an appropriation

The first section was read and agreed to.

The second section was read.

On the question.

Will the House agree to the section?

Mr. GATES. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, lines 4, 5, 6 and 7 by striking out all of said lines.

The amendment was agreed to.

The section was agreed to as amended.

The third section was read.

On the question,

Will the House agree to the section?

Mr. GATES. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 3, page 2, line 8 by striking out the figure "3" and inserting in lieu thereof the figure "2".

The amendment was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. GATES. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend the title, page 1, last 2 lines of title, by striking out the words "and making an appropriation."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1663, entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1570, entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government providing for the distribution and sale of such copies imposing new duties on the Joint State Government Commission and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1716, entitled:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof fixing a minimum quantity of malt or brewed beverages which may be sold in cases cartons or boxes and providing for refunds of tax for malt or brewed beverages sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1631, entitled:

An Act authorizing and directing the Department of Highways to erect construct and maintain a free bridge over the Allegheny River in or near the Borough of Tarentum Allegheny County and a point in Westmoreland County and to provide the necessary approaches and connections with State highways providing for the acceptance of Federal aid empowering counties to pay certain damages and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LEYDIC. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 605, entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof under the supervision of the Department of Mines for the purpose of developing new uses and markets for anthracite and bituminous coal

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 502, entitled:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1686, entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States providing for the suspension of the enforcement of certain civil liabilities providing for the re-employment of such persons upon completion of such service and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1487, entitled:

An Act providing for the construction and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 941, entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1337, entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1541, entitled:

An Act providing for uniform reports by political subdivisions to departments boards and commissions of the State Government

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 223, entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1558, entitled:

An Act to further amend section two of the act approved the twenty-ninth day of March one thousand eight hundred ninety-nine (P. L. 21) entitled "An act to establish a board for the examination of accountants to provide for the granting of certificates to accountants and to provide a punishment for the violation of this act" by further regulating examination of applicants for certificates as accountants and making said section conform to the Administrative Code of 1929

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1660, entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officer of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for state purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1496, entitled:

An Act authorizing the Department of Property and Supplies to construct erect and dedicate on the Capitol grounds at Harrisburg Pennsylvania a memorial to the memory of James Buchanan and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 353, entitled:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,
The House proceeded to the second reading and consideration of House Bill No. 1513, entitled:

An Act to further amend section three of the act ap-

proved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 220, entitled:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" requiring the Department of Highways to take over bridges and viaducts on State highways in cities of the third class

The first section was read:

On the question,

Will the House agree to the section?

Mr. BENTLEY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 4) page 3, lines 25 and 26, by striking out the words "in any city of the second class and second class A".

Amend sec. 1 (sec. 4) page 3, line 26, by inserting a lightface bracket before the word "except".

Amend sec. 1 (sec. 4) page 3, line 27, by striking out the words "in such cities".

Amend sec. 1 (sec. 4) page 4, line 3, by inserting after the word "act" the following: "[] not maintained by the city or county".

Amend sec. 1 (sec. 4) page 4, line 4, by inserting lightface brackets before the word "any" and after the word "structures" and inserting thereafter the words: "such structures, bridges and viaducts".

Amend sec. 1 (sec. 4), page 4, line 5, by striking out the words "in cities of the second class and second class A".

Amend sec. 1 (sec. 4), page 4, line 6, by inserting lightface brackets before and after the word "city".

Amend sec. 1 (sec. 4) page 4, line 8, by inserting after the word "all" the word: "structures".

Amend sec. 1, (sec. 4) page 4, lines 8 and 9, by striking out the words "in cities of the third class".

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

The title was read:

On the question,

Will the House agree to the title?

Mr. BENTLEY. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend the title, page 2, next to the last line of title by inserting after the word "over" the word "structures".

Amend the title, page 2, last line of title by inserting after the word "the" the following: "second, second class A and"

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1650, entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships to grant and convey certain rights and easements in and relative to the highways streets roads and bridges thereof and lands bordering the same over which such governmental units may have control

The first section was read:

On the question,

Will the House agree to the section?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 1, page 2, line 13, by inserting after the word "rights" the following: "and to enter into agreements therewith".

The amendment was agreed to.

The section was agreed to as amended.

The second section was read:

On the question,

Will the House agree to the section?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 2, line 19, by inserting after the word "may" the following: "with the approval of the Water and Power Resources Board".

Amend Sec. 2, page 2, line 26, by inserting after the word "bridge" the following: "viaduct".

Amend Sec. 2, page 2, line 28, by inserting at the end of said line, the following: "Such highways, streets, bridges, viaducts and roads shall continue to be maintained by the State or its local subdivisions and the United States shall not be liable for any damages resulting from personal injuries, death or damage to property

that may, at any time, result from the exercise of any right or easement granted under the provisions of this act."

Amend Sec. 2, page 3, by inserting between lines 7 and 8, the following: "(3) To relocate roads, streets, bridges, viaducts and other public works and improvements at the cost of the United States. The relocation of State highway routes may be made without regard to terminal or intermediate points mentioned in the law establishing such routes. Agreements may provide for abandonment of existing roads, streets, bridges, viaducts and public works and improvements, whether or not supplied by relocations.

The amendments were agreed to.

The section was agreed to as amended.

The third section was read and agreed to.

The title was read:

On the question,

Will the House agree to the title?

Mr. MOUL. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, line 6 of title, by inserting after the word "townships" the following: "with the approval of the Water and Power Resources Board."

Amend title, page 1, line 6 of title, by inserting after the word "to" the following: "enter into certain agreements with, and to".

Amend title, page 1, line 6 of title, by inserting after the word "convey" the following: "to the United States".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1182, entitled:

An Act to increase the usefulness of the Farm Show Building and Arena providing for holding of various exhibitions and shows creating State show commissions as departmental administrative commissions in various departments and agencies of the State government and making appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. DAVID P. REESE. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1662, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand in hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of em-

ployes thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1673, entitled:

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by removing certain limitations of the appointment of district superintendents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1525, entitled:

An Act to amend section seven hundred one and to further amend section seven hundred six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the various boards of school directors to purchase and furnish free of charge uniforms for the members of school bands and orchestras

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1692, (Senate Bill No. 465), entitled:

An Act authorizing the Secretary of Highways to lengthen or shorten State highway routes under certain conditions and providing for the payment of damages.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1691, (Senate Bill No. 419), entitled:

An Act providing for the reconnaissance survey of a State highway between the city of Harrisburg, in the county of Dauphin, and the borough of New Hope, in the county of Bucks.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1382, (Senate Bill No. 448), entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1445, Senate Bill No. 302, Printer's No. 162, was passed over at the request of Mr. TROUT.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1529, entitled:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1509, entitled:

An Act providing for increase in salaries of all teachers school secretaries nurses attendance officers and all other regular employes of school districts of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. READINGER. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1530, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna River between a point in or near the Borough of Blakely Lackawanna County and a point in or near the Borough of Olyphant in Lackawanna County and to provide the necessary approaches thereto and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STANK. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 991, entitled:

An Act to add section 435 to the act approved June second one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing that hospitals institutions physicians surgeons and others furnishing medical dental or nursing services hospital treatment artificial appliances medicines and supplies for which the employer is liable shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1542, entitled:

An Act to amend route 55121 as added to the act approved the twenty-second day of June one thousand nine

hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 989, entitled:

An Act to amend section four hundred and eighteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by allowing certain exemptions to be waived in favor of labor unions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 722, entitled:

An Act to further amend section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710) entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received from monument and memorial purposes and prescribing penalties" by imposing a tax on the privilege of attending such spectacles and repealing former tax

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 723, entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who sep-

arated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1477, Senate Bill No. 418, Printer's No. 362, was passed over at the request of Mr. READINGER.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SKALE.

The House resumed the consideration on final passage of House Bill No. 1406, (Senate Bill No. 588), as follows:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

RECONSIDERATION OF VOTE

Mr. SKALE. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. CORRIGAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Skale, vote on the third reading of this bill?

Mr. SKALE. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Corrigan, vote on the third reading of this bill?

Mr. CORRIGAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Or the question recurring,

Will the House agree to the bill on third reading?

Mr. SKALE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 2, line 28, by inserting after the word "petitioner", the following: "or ascertainable upon reasonable inquiry".

Amend page 3, line 7, by striking out the words "or any other person".

Amend page 3, line 22, by inserting after the word "answer", the following "in writing".

Amend page 3, by inserting between lines 23 and 24 a new sentence as follows: "A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing".

Amend page 4, line 7, by inserting before the word "in", the following: "once a week for two successive weeks both".

Amend page 4, line 8, by inserting after the word "county", the following: "the last such publication to appear".

Amend page 5, line 9, by inserting after the word "sold" the following: "at the time of said sale".

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1166, as follows:

An Act to amend section two of the act approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172) entitled "A supplement to the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 208) entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of samples of drugs for determining their quality strength and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" further regulating the issuance of permits to conduct pharmacies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-sixth day of May one thousand nine hundred and twenty-one (P. L. 1172) entitled "A supplement to the act approved the seventeenth day of May one thousand nine hundred seventeen (P. L. 208)) entitled 'An act to regulate the practice of pharmacy and sale of poisons and drugs and providing penalties for the violation thereof defining the words "drug" and "poison" and providing for the appointment of a board which shall have in charge the enforcement of said law and the power to make rules and regulations for the enforcement of said law and providing for the purchase of sample of drugs for determining their quality strength and purity' requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties" is hereby amended to read as follows

Section 2 Upon application on a form to be prescribed and furnished it and the payment of a fee of two dollars (\$2.00) the Pennsylvania Board of Pharmacy shall issue a permit to conduct a pharmacy to such persons associations copartnerships or corporations as the board deems qualified to conduct such business Qualifications to conduct such business shall include such physical requirements as may be established by the board including stock equipment library sanitation adequate space and such other conditions as may be necessary to protect the public safety in the matter of drugs and prescriptions All applicants shall be citizens of the United States Provided however That in the case of copartnerships associations and corporations the members or officers of such copartnership association or corporation shall be citizens of the United States When the conditions which obtained when the permit was issued have changed then a new permit must be applied for All permits issued under the provisions of this act shall be exposed in a conspicuous place in the pharmacy for which it was issued and shall expire on the first day of July following the date of issue No permit shall be issued unless it appears to the satisfaction of the board that the management of the phar-

macy is in the charge of a pharmacist registered under the provisions of the act to which this is a supplement All permit fees collected under the provisions of this act shall be paid into the State Treasury

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—96

Achterman,	Hamilton,	Monks,	Scanlon,
Balthaser,	Harkins,	Mooney,	Schwab,
Bentley,	Harmuth,	Moran,	Shaffer,
Brunner, P. A.,	Harris,	Muir,	Shaw,
Burns,	Heatherington,	Munley,	Shepard,
Cohen, R. E.,	Hering,	Nunemacher,	Skale,
Corrigan,	Hersch,	O'Brien,	Stank,
Croop,	Hirsch,	O'Mullen,	Tarr,
Cullen,	Jefferson,	O'Neill,	Tate,
DiGenova,	Keenan,	Owens,	Thompson, E. F.,
Dolon,	Jenehan,	Pettit,	Turner,
D'O'rona,	Kolankiewicz,	Polaski,	Verona,
Duffy,	Komorowski,	Polen,	Voldow,
Early,	Leonard,	Powers,	Voorhees,
Falkenstein,	Lesko,	Prosen,	Weise,
Finestone,	Longo,	Rank,	Welsh, E. B.,
Finnerty,	Malloy,	Readinger,	Williams,
Gallagher,	Maxwell,	Reese, D. P.,	Wolf,
Gerard,	McClanaghan,	Regan,	Woodring,
Goodwin,	McDermott,	Rooney,	Woodside,
Gross,	McIntosh,	Rose, S.,	Wright,
Gryskewicz,	McLane,	Rose, W. E.,	Yester,
Habysnaw,	Melchiorre,	Rush,	Young,
Haberlen,	Modell,	Sarraff,	Kilroy,

Speaker.

NAYS—57

Auker,	Gyger,	Lovett,	Simons,
Bentzel,	Haines,	Lyons,	Sorg,
Boorse,	Hall,	McClester,	Stambaugh,
Bower,	Helm,	McDowell,	Stockham,
Brunner, C. H.,	Hewitt,	McKinney,	Taylor,
Cochran,	Imbrie,	McLanahan,	Thompson, R. L.,
Cooper,	James,	McMillen,	Trout,
Cordier,	Kline,	McSurdy,	Van Allsburg,
Dairymple,	Knoble,	Petrosky,	Wagner,
Dennison,	Krise,	Reagan,	Watkins,
Dix,	Lee, E. A.,	Reese, R. E.,	Winner,
Eckels,	Lelsey,	Rhea,	Wood, L. H.,
Elder,	Levy,	Riley,	Wood, N.,
Fiss,	Leydic,	Royer,	Yeakel,
Gillette,	Lichtenwalter,	Serrill,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

COMMITTEE APPOINTED RESOLUTION No. 89

The SPEAKER. In pursuance to the provisions of House Resolution No. 89, Printer's No. 543, the Chair appoints the following Select Committee: Messrs. McClanaghan, Chairman, Sarraf, McIntosh, Charles H. Brunner and Lichtenwalter.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker's biennial picnic party will be held on Wednesday, June 4, at 4 o'clock, Daylight Saving Time, at the Blue Ridge Country Club.

Members, officers and employes of the House, the staff and employes of the Legislative Reference Bureau and members of the Legislative Correspondence Association are cordially invited.

Detailed announcements concerning the picnic plans will be placed in each member's post office box Tuesday.

REPORTS FROM COMMITTEES

Mr. POLASKI, from the Committee on State Government, reported as amended, House Bill No. 1488, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, under licenses or registrations issued by the Department of Public Instruction and the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

Mr. KENEHAN, from the Committee on Highways, reported as amended, House Bill No. 1432, entitled:

An Act to further amend section two of the act, approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by changing certain routes and adding certain new routes.

Mr. HIRSCH, from the Committee on Highways, reported as amended, House Bill No. 1705, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Mr. HARMUTH, from the Committee on Highways, reported as amended, House Bill No. 1431, entitled:

An Act to further amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as amended, House Bill No. 1430, entitled:

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing

the cost of the maintenance, and construction of such highways; and making an appropriation to carry out the provisions of this act," by changing certain routes and adding certain new routes.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 374.

An Act to add clause (e) to section four of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "An act defining the term 'fiduciary'; prescribing the nature and kind of investments which may be made by such fiduciaries; validating certain investments heretofore made by such fiduciaries; and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

HOUSE BILL No. 885.

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

HOUSE BILL No. 717.

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

HOUSE BILL No. 1240.

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made.

HOUSE BILL No. 1255.

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

HOUSE BILL No. 104.

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," extending the time during which application may be filed for veterans' compensation.

HOUSE BILL No. 1270.

An Act to further amend sections one and two and seven of the act approved the twelfth day of June one thousand

nine hundred and thirty-one (P. L. 510) entitled "An Act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis

HOUSE BILL No. 525.

An Act amending, revising, consolidating and changing the law relative to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds, regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

HOUSE BILL No. 1259.

An Act creating and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties

With the information that the Senate has passed the same without amendment.

CONDOLENCE RESOLUTION

M.. HEATHERINGTON offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 2, 1941.

The House of Representatives learns with sorrow of the passing of William Henry Heath, who died at his home in Greenock, Pennsylvania last Saturday.

Mr. Heath was born in Greenock in 1866. He served as justice of the peace in Elizabeth Township for eighteen years, and was a Member of the House of Representatives from 1907 to 1909. From 1909 to 1911 he served as postmaster of the House of Representatives.

During his entire lifetime, spent in the place where he was born, he devoted himself to the civic betterment of his community, and his decease will be keenly felt by all his fellow-townsmen; be it therefore

Resolved, That the House of Representatives mourn the passing of this distinguished citizen of Pennsylvania and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk to his widow and the other members of the family of the deceased as a token of the House of Representative's sincere sympathy for them in their great bereavement.

COMMITTEE MEETINGS

EASTERN STANDARD TIME

Appropriations, Tuesday, June 3 at 11:30 a. m. in Room 327.

Judiciary General, Tuesday, June 3 at 10:00 a. m. in Room 246.

Judiciary Special, Tuesday, June 3 at 11:30 a. m. in Room 246.

Motor Vehicles, Tuesday, June 3 at 11:00 a. m. in Room 324.

Workmen's Compensation, Tuesday, June 3 at 11:00 a. m. in the New House Caucus Room.

Rules Committee will meet Tuesday, June 3 at 10:30 a. m. in the Speaker's Office.

A Meeting of the Special Committee appointed to investigate the Greenwich Street Explosion in Philadelphia on February 11, 1941 will meet in Room 246 on Tuesday at 9:30 a. m. Every member is urged to attend.

JOINT PUBLIC HEARING

A Joint Public Hearing on House Bill No. 942 will be held in the Senate Caucus Room on Tuesday, June 3, 1941 at 9:00 a. m., E.S.T.

ANNOUNCEMENT

The Pennsylvania Legislature Kiwanis Club is sponsoring a trip to the Huntsdale Fish Hatchery on Tuesday, June 3rd, at 9:00 a. m. Daylight Saving Time. The trip will take about three hours, and the group will be in charge of Charles French, Fish Commissioner. All members of the House are invited to take this trip. If you can go along please notify either the Honorable Samuel Dennison of Jefferson County or the Honorable Roy Haberlen of Westmoreland County, immediately following tonight's session.

This is the newest and largest fish hatchery in the State, and it will be well worth the time which it takes to make the trip.

ADJOURNMENT

Mr. MONKS. Mr. President, I move that this House do now adjourn until Tuesday, June 3, 1941, at 12 m.

The motion was agreed to, and (at 11:06 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JUNE 3, 1941.

No. 64.

SENATE

TUESDAY, June 3, 1941.

The Senate met at 2 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

We humbly beseech Thee, O God of our fathers, this day when tragedy stalks abroad, when worlds are shaking as before the judgment, and civilization itself is tottering, let our faith in Thee become stronger than it has ever been and our sense of security to become increasingly pronounced through our whole-hearted obedience unto Thee.

Direct the minds and hearts of the members of our Legislature in these final days of procedure that what legislation may yet be enacted be in conformity with Thy Holy will.

In these days when Thou art "Sifting out the hearts of men before Thy judgment seat" make our lives real and purposeful, rich and full not only as legislators and as citizens but as defenseless individuals, creatures of Thine, dependent upon Thee each day for sustenance that through us Thy will may be made known unto men.

And to Thee, Father, Son and Holy Spirit shall be all honor, praise and adoration, world without end. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. HEYBURN and Mr. GELTZ the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. Jaspan asked and obtained leave of absence for the Senator from Philadelphia, Mr. SHAPIRO.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate June 3, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania.

Governor's Office, Harrisburg, June 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

BEAVER COUNTY

William J. Tress, Beaver Falls.

BUTLER COUNTY

A. T. Sprankle, Butler.

DAUPHIN COUNTY

Mrs. Margaret S. Tress, Harrisburg.

ERIE COUNTY

Miss Kathryn McCarty, Erie.

LEHIGH COUNTY

Elmer A. Barto, Emaus.

NORTHAMPTON COUNTY

Mrs. Kathryn B. Kern, Easton.

PHILADELPHIA COUNTY

W. H. Hoopes, Phila., 100 South Broad St.

YORK COUNTY

Geo. G. Berg, Spring Garden Twp., Grantley Road, York.

MONTGOMERY COUNTY

Miss Bertha M. Gaskins, Danville.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bartlett,	Edmonds,	Mallery,	Stiefel,
Becker,	Farrell,	McCreesh,	Taliman,
Carr,	Frey,	McGinnis,	Taylor,
Cavalcante,	Geltz,	McQuiddy,	Thomas,
Chapman,	Heyburn,	Miller,	Tyler,
Coleman,	Homsher,	Mundy,	Wade,
Cox,	James,	Reed,	Watkins,
Crider,	Jaspan,	Ruth,	Wilson, H. I.,
Crowe,	Kephart,	Snowden,	Wilson, T. B.,
Detrick,	Lanius,	Stevenson,	Ziesenheim,
Ealy,	Letzier,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS ALDERMAN IN CAMBRIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Cole, 733 Franklin Street, Johnstown, Cambria County, for appointment as Alderman in and for the Sixth Ward of the City of Johnstown, Cambria County, until the first Monday in January, 1942, vice Robert A. Gleason, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 616

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to House Bill No. 616, entitled:

An Act to amend section seven of the act approved the thirty-first day of March, one thousand eight hundred and sixty, (P. L. 427), entitled "Criminal Procedure Act of 1860," providing for admission to bail by committing magistrates in cases involving manslaughter by automobile.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS MADE BY THE HOUSE TO HOUSE BILL NO. 616 AND APPOINTS COMMITTEE OF CONFERENCE

Mr. EALY. Mr. President, I move that the Senate insist upon its non-concurrence in House amendments and that a Committee of Conference be appointed to confer with a committee of the House of Representatives (if the House shall appoint such a committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Becker, Thomas B. Wilson and Haluska, to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

HOUSE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE SENATE TO SENATE BILL NO. 507

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

SENATE BILL NO. 507 LAID ON THE TABLE

Mr. EALY. Mr. President, I move that the communication from the House be laid on the table.

Mr. WALKER. Mr. President, I second the motion.

The motion was agreed to.

HOUSE BILL NO. 316, (SENATE BILL NO. 535), CALLED UP FROM THE TABLE

Mr. THOMAS B. WILSON. Mr. President, I move that House Bill No. 316, (Senate Bill No. 535), entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority

be taken from the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

MOTION THAT SENATE INSISTS ON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL NO. 316

Mr. THOMAS B. WILSON. Mr. President, I move that the Senate insists upon its amendments non-concurred in by the House of Representatives to House Bill No. 316.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

PERMISSION TO ADDRESS SENATE

Mr. JASPAN. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Philadelphia, may proceed.

Mr. JASPAN. Mr. President and members of the Senate we convey to you the sad tidings of the day. Lou Gehrig, popular hero of our national pastime has gone to the great beyond. We in America mourn his loss. Words can hardly describe our emotions that we feel in this regard. Those who follow sports, particularly baseball, can very well appreciate what he has done to uplift the morale of American Youth. Yes, there are Senators

in this body, and may I mention the name of Harvey Taylor and Leo Mundy and John J. Haluska, who watched him closely. They know too well that he was a clean living, honest hardworking ball player, who gave up all he had to promote America's national pastime. Lou Gehrig was the iron man of baseball, having played in approximately 2,130 consecutive games. Lou Gehrig was a great example to the youth of America and they have suffered an irreparable loss. His conduct and sportsmanship on and off the playing field will remain an everlasting monument to his memory.

Lou Gehrig has left us a valuable heritage. His code of living and playing knew only legitimate bounds. He has set an example which we can very well follow in the arena of politics.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Public Health, re-reported as amended, Senate Bill No. 575, entitled:

An Act to further amend sections 1, 2 and 7 of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; making provisions for graduate students from other states, territories and Canada, and providing for automatic revocations of registration in case of mental incompetency.

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 903, (House Bill No. 1295), entitled:

An Act to amend section four thousand four hundred two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto," providing for additional members of certain civil service boards.

He also, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend section fifteen, and to repeal sections fifteen and one-tenth, fifteen and two-tenths, and fifteen and three-tenths of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties lienied; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for

the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens.

Mr. THOMAS, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 502, (House Bill No. 895), entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts to file tax and municipal claims not filed within the time specified by law and to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Mr. HENRY I. WILSON, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 900, (House Bill No. 1257), entitled:

An Act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police Sheriffs police officers and constables and providing penalties" providing for an extension of time on permits for such displays when not made on the day designated in the permit.

Mr. CRIDER, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 680, (House Bill No. 869), entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confession of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

BILLS RE-REFERRED

Mr. WOODWARD, from the Committee on Municipal Government, reported as committed, Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

With the request that it be re-referred to the Committee on Appropriations.

He also, from the Committee on Municipal Govern-

ment reported as committed, Senate Bill No. 866, (House Bill No. 1458), entitled:

An Act to enable the governing bodies of cities of the first, second and second class A to establish by ordinance the requirements of responsible bidders for city printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

With the request that it be re-referred to the Committee on Labor and Industry.

REPORTS FROM COMMITTEES

Mr. TYLER, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof;" providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

Mr. ZIESENHEIM, from the Committee on Municipal Government, reported as committed, Senate Bill No. 963, (House Bill No. 861), entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending and changing the law relating thereto.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1067, (House Bill No. 1232), entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

Mr. COLEMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 686, (House Bill No. 598), entitled:

An Act requiring the council of cities of the Section Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 340, (House Bill No. 238), entitled:

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

Mr. STEVENSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 964, (House Bill No. 940), entitled:

An Act to amend section 1202 by adding thereto clause IX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate money for the support of hospitals.

Mr. BARR, from the Committee on Labor and Industry, reported as committed, Senate Bill No. 309, (House Bill No. 312), entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employees, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age.

Mr. McCREESH, from the Committee on Municipal Government, re-reported as amended, Senate Bill No. 501, (House Bill No. 710), entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years; and validating the liens of such taxes.

BILLS INTRODUCED

Mr. HOMSHER read in his place and presented to the Chair Senate Bill No. 1095, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

Which was committed to the Committee on Education.

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 1096, entitled:

An Act to further amend section one of the act, approved the thirteenth day of June, one thousand nine hundred and seven (P. L. 640), entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto; for the insurance of owners of real estate, mortgagor, and other interested in real estate, from loss by reason of defective titles, liens and encumbrances, and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act, entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust, and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, Anno Domini one thousand

eight hundred and seventy-four, and of the supplements thereto,' approved June twenty-seventh, one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies," by basing the tax upon the book value of the shares; continuing the increased rate of tax for a further limited period of time and reducing the rate of tax after such limited period of time.

Which was committed to the Committee on Finance.

He also read in his place and presented to the Chair Senate Bill No. 1097, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred and ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation," by redefining the base for taxation of shares of stock of banks and savings institutions, by providing that certain corporations shall not be subject to the tax; and by increasing the rate of tax for a further limited period of time.

Which was committed to the Committee on Finance.

Mr. BECKER read in his place and presented to the Chair Senate Bill No. 1098, entitled:

An Act relating to the sale, transfer, assignment and pledge of choses in action and requiring the assignor of accounts receivable and choses in action to make appropriate record of the fact of such assignment, and prescribing penalties for failure to do so.

Which was committed to the Committee on Judiciary General.

He also read in his place and presented to the Chair Senate Bill No. 1099, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith", as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

Which was committed to the Committee on Education.

He also read in his place and presented to the Chair Senate Bill No. 1100, entitled:

An Act to further amend clause (b) of section thirty-five of the act approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries, the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the

survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries, refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating suits by or against fiduciaries.

Which was committed to the Committee on Judiciary General.

Mr. FARRELL read in his place and presented to the Chair Senate Bill No. 1101, entitled:

An Act concerning individual retail merchants cooperative associations; providing for the incorporation, management and dissolution thereof; prescribing penalties for conduct that may impair the standing or credit of such associations; and repealing inconsistent statutes.

Which was committed to the Committee on Judiciary General.

Messrs. JASPAN and DiSILVESTRO read in their places and presented to the Chair Senate Bill No. 1102, entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of Persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs, authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

Which was committed to the Committee on Agriculture.

Mr. MALLERY. Mr. President, I rise in my place and am about to present to the Chair two bills, but before doing so I wish to make a brief statement.

The PRESIDENT. The gentleman from Blair may proceed.

Mr. MALLERY. Mr. President, in my senatorial district, comprising Blair and Huntingdon Counties, there are a great many retired railroaders and shopmen, as well as many other fine aged people. Likewise, Mr. President, there are a great many people in every county in the state who have reached the age of sixty-five years or more, and these bills will permit or authorize the issuing of fishing and hunting licenses free of charge to anyone over the age of sixty-five years. Mr. President, I think the young people of the state will gladly pay the cost of stocking our streams or providing whatever

money is necessary to continue good fishing and hunting in our state.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 1103, entitled:

An Act to further amend section two hundred twenty of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law to fish in the inland waters and boundary lakes and boundary rivers of the Commonwealth," by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age.

Which was committed to the Committee on Forests and Waters, Game and Fish.

He also read in his place and presented to the Chair Senate Bill No. 1104, entitled:

An Act to amend section three hundred two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by providing for the issuing of free hunters' licenses to persons over sixty-five years of age.

Which was committed to the Committee on Forests and Waters, Game and Fish.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will state his question of personal privilege.

Mr. HALUSKA. Several months ago a great deal was said in this chamber about the recent fight held between Joe Louis and Gus Dorazio. I tried to put forth my analysis of the fight and a number of my colleagues scoffed at my thoughts.

Mr. President, I would like this morning to read a quotation from the Pittsburgh Post Gazette dated Tuesday, June 3, 1941, an article by Havey Boyle.

"It's one training camp after another. It's all right. Keeps me in condition. Makes me fight better. My eye's all right. Look at it. The guys I fought this season? McCoy was just another fighter. Burman, he was game. Dorazio, he was nothing. Simon, he could take it. Musto, another Godoy. Buddy Baer, a good, clean fighter and a good puncher. Now I got Conn. That's going to be a interesting fight. He's smart. Yeh, smarter than Nova or Simon."

Well, Mr. President, history repeats itself—"Dorazio was nothing."

CONDOLENCE ON THE DEATH OF CORPORAL WILLIAM J. TUCKER

Mr. HEYBURN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 3, 1941.

Whereas, The Senate has been advised of the death of Corporal William J. Tucker while serving with M Company, 111th Infantry, at Indiantown Gap Military Reservation, and

Whereas, Corporal William J. Tucker won the respect and friendship of many public officials and legislators for his diligence and honesty as a reporter for the Philadelphia Evening Bulletin, and

Whereas, Corporal Tucker died in the line of duty

after sacrificing a good position in private industry to come to the aid of his State and Nation by voluntarily enlisting in the U. S. Army in time of emergency, and,

Whereas, Corporal Tucker won the admiration and respect of his fellow soldiers and was in line for appointment as a commissioned officer in the U. S. Army as a reward for meritorious service,

Therefore, be it resolved, That the Senate of Pennsylvania express its deep regret at his death to the members of his family who survive him, and

Further be it resolved, That the Secretary of the Senate be instructed to transmit a copy of this resolution to the family of the deceased.

RESOLUTION MEMORIALIZING LOU GEHRIG

Mr. COLEMAN. Mr. President, the truth of the old adage about great minds running in the same channel was once again very forcefully impressed upon me, when I listened to the remarks of my colleague from Philadelphia, Mr. Jaspan, on the death of the great Iron Man of baseball, Lou Gehrig, and on behalf of the distinguished Senator from Philadelphia and myself I offer the following resolution and ask its immediate adoption.

Mr. COLEMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 3, 1941.

Whereas, Newspapers carry the story today of the passing of Lou Gehrig, the erstwhile "iron man of baseball" and

Whereas, His death caught many of us with a feeling in our throats which makes it impossible to express how we feel, and

Whereas, His passing cast a pall of sorrow over the sports' world because the name Gehrig was synonymous with durability, clean living, and clean playing, and

Whereas, His feats on the baseball diamond will be remembered as long as the game endures, and

Whereas, Young America has striven to emulate his example of clean living and good sportsmanship, and his loss to them cannot be adequately expressed in words, and

Whereas, He has done more to elevate the moral and physical standard of young men of America than any other figure in the world of sports, be it

Resolved, That the Senate of Pennsylvania pause in the consideration of the weighty problems now before it to express its profound sorrow to the family on the passing of a truly great American, and be it further

Resolved, That a copy of this resolution be sent to the family of Lou Gehrig.

Mr. COLEMAN. Under ordinary circumstances, Mr. President, the thoughts embodied in this resolution would not necessitate any further words on the part of any member of this Senate, but I feel this afternoon I would be false to my true emotions if I did not give expression of my personal feeling about the passing of so great an American citizen.

Mr. President, this morning millions of Americans reading the sports pages of their favorite paper, read of the passing of the Iron Man of Baseball, whose exploits in the Yankee Stadium will live as long as the game endures, and I think every one of them, Mr. President, feel a great personal loss in the death of this great gentleman.

Every ten years in this world, from this human existence, there appears and disappears into the time and dusk of that eternity that lies beyond, five hundred million human souls, and out of that vast number there is but a mere handful that has made any lasting impression on society, and that handful is made up of men, and women

too, who have left behind them a monument richer than gold, more enduring than granite, and that is the memory of men who have done so much to elevate the moral, social and intellectual standing of the young men of this nation.

I think it can be said of Lou Gehrig, as Bob Ingersoll said of his brother, "He added to the sum of human joy and if everyone from whom he had done some laughing service went to place a blossom on his grave, he would sleep tonight beneath a wilderness of flowers."

Lou Gehrig, Mr. President, was a builder, not in the sense of erecting stately structures of marble and granite, but a builder of character. Lou Gehrig, in my opinion, did more to build younger America into citizens than any other American living today, and after all, Mr. President, the young men and the young women of today are the builders of the world and the conservers of civilization tomorrow.

I have a very vivid recollection of my first view of Lou Gehrig in action in the Yankee Stadium. I shall never forget how he walked out to the batting box, raised a ponderous bat to his shoulders, and with a mighty sweep of his arms, sent the ball flying on three occasions for home runs up into the upper stands.

Mr. President, following that particular feat, winning the game for the Yankees as he has done on many occasions, I think it can be said of him as Shakespeare said of another:

"He was a man, take him for all in all; I shall never look upon his like again."

And today, Mr. President, today the heart that beat in sympathy with the young men of America, the lips and tongue that uttered words of encouragement to the youth of this nation, the great massive shoulders and the great arms that sent many a baseball riding high into the upper tier of the Yankee Stadium, is stilled forever.

I am glad, Mr. President, that even though we have tremendous business, even though we have great problems pressing the Senate of Pennsylvania, that we can pause in our consideration of those weighty problems and say a word or two of a truly great American and I know, Mr. President, that I am expressing a sentiment rooted deeply in the hearts of lovers of clean living and of all advocates of clean sportsmanship in America when I say that, joining that innumerable caravan going whence there is no return, it is our earnest hope and prayer that Lou Gehrig may receive the reward he so richly deserves.

SENATE RESOLUTION NO. 1 CALLED UP

Mr. DENT. Mr. President, I now call up Senate Resolution No. 1, Page 245 of the History.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

The resolution was read as follows:

In the Senate, February 18, 1941.

Whereas, Pursuant to a Concurrent Resolution adopted by the Senate of the General Assembly of Pennsylvania on March 8, 1937, and concurred in by the House of Representatives on March 15, 1937, a Joint Legislative Committee was created to ascertain the tenability of then prevalent assertions pertaining to migratory trends of Pennsylvania's industries and to survey the industrial taxes of this Commonwealth; and

Whereas, Said Joint Legislative Committee also known as the Industrial Tax Survey Committee, completed after

two years of continuous and arduous work only one phase of its two-fold task, namely, the ascertainment of existence or non-existence of migratory industrial trends, but was prevented from undertaking the survey of Pennsylvania's industrial taxes because of the expiration of its term; and

Whereas, Both the Dent Report submitted by the Joint Legislative Committee to the General Assembly of Pennsylvania in March of 1939, and the Supplemental Report submitted on May 25, 1939, recommended the creation of a State Tax Commission conducive to a further study of our State Tax System and an eventual revision thereof; and

Whereas, Said recommendation about the creation of a State Tax Commission has not been heretofore carried out by the General Assembly of Pennsylvania, thus leaving the archaic status quo in Pennsylvania's State taxation and the study thereof undisturbed and menacing; and

Whereas, The leading position of Pennsylvania among the States in the use of industrial taxes indicates the importance of these taxes to business and to the community, and clearly establish the urgent need for a scientific approach in the study thereof; and

Whereas, In the absence of any attempts to undertake a thorough, exhaustive and scientific survey and study of Pennsylvania's industrial taxes, it would be to the advantage of our Commonwealth to recreate the Joint Legislative Industrial Survey Committee, in order to thus enable it to complete the second phase of its work, namely, to prepare a survey of the industrial taxes of Pennsylvania, possibly in the form of several monographs containing multifaceted studies of the origin of said taxes, their role in the revenue system of Pennsylvania as compared to other States and the Federal Government, the revenue potentialities, thereof and future outlook therefor from view-points of bases of taxation, tax rates, incidence, equality or inequality of their distribution and above all, the possibility of their elimination, together with formulae aiming at the development of a tax system which will strive to attain the objective of obtaining maximum revenues with the minimum disturbance and costs to industry and the community; now be it

Resolved (if the House of Representatives concur), that the General Assembly of Pennsylvania recreate the Joint Legislative Industrial Tax Study Committee, in order that same may complete the above-stated second phase of its two-fold task heretofore assigned thereto; and be it further

Resolved, That the said Joint Legislative Industrial Tax Study Commission be and same is hereby authorized and empowered to apply the balance of the fund formerly appropriated thereto toward the completion of the survey and studies above mentioned.

Mr. DENT. Mr. President, I move immediate adoption of the resolution just read.

On the question,

Will the Senate agree to the Resolution?

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. WALKER. Mr. President, I would like to ask the gentleman from Westmoreland, in this resolution we are about to act on, if the method of appointing members of the commission is set forth, here or in the original resolution?

Mr. DENT. Mr. President, it continues the original commission insofar as it is able, those members who I believe are still members of the Senate and the House, but the original resolution set up the method by which the membership was named.

Mr. WALKER. Mr. President, I do not want to be capacious in my discussion of this resolution and I intend to

vote for it, and I would like to see a continuation of the very meritorious service which the joint commission rendered the people of Pennsylvania, but may I humbly suggest that in the original resolution there was a commission appointed and that, with the completion of their work and the filing of their report, as I understand it, the original commission died and as with most deaths there can be no revival, and I would like to suggest to the gentleman from Westmoreland perhaps it would be best to include in this resolution an appointing power and the method of appointing and the jurisdiction of the commission to be appointed, so that there will not be any question raised later as to its authenticity.

Mr. DENT. Mr. President, as I understand it, the "whereas" clause contained herein, sets up a reenactment of the old resolution, which originally set up the commission, and we therefore followed the procedure as outlined in that resolution. However, Mr. President, the jurisdiction of the commission is contained in the sixth whereas clause of this present resolution.

Mr. WALKER. As I tried to explain to the gentleman from Westmoreland, I am not opposing the resolution, but I am attempting to make a friendly suggestion that the resolution he is asking us to vote on now does not give anybody any power to appoint the commission set up under the old resolution that was passed in 1937; that is correct, is it not?

Mr. DENT. That is right, Mr. President.

Mr. WALKER. Well, Mr. President, that commission has died and there is no appointive power in the present resolution and neither the Speaker of the House nor the President Pro Tempore of the Senate has any right under this resolution to appoint any members to that commission, and the commission has no powers under this resolution it is proposed we now adopt. I would like to suggest to the gentleman from Westmoreland that the appointing powers and the duties and responsibilities of the commission be set forth in this resolution, as they were in the original resolution.

Mr. DENT. Mr. President, I am not going to take issue with legal authority, but I do want to say in the resolution is says this:

"Resolved (if the House of Representatives concur), That the General Assembly of Pennsylvania recreate the Joint Legislative Industrial Tax Study Committee in order that same may complete the above stated second phase of its two fold task heretofore assigned thereto; and be it further

"Resolved, That the said Joint Legislative Industrial Tax Study Commission be and the same is hereby authorized and empowered to apply the balance of the fund formerly appropriated thereto towards the completion of the survey and studies above mentioned."

Mr. WALKER. Mr. President, I desire to ask the gentleman from Westmoreland if it is not true, for example, that a former member of the Senate, Honorable Frederick T. Gelder, was a member of that original commission.

Mr. DENT. That is right, Mr. President.

Mr. WALKER. And if that commission is recreated, is it not true, Mr. President, the Honorable Frederick T. Gelder automatically would become a member of the new commission? You can not revive the commission partially, it would have to be in toto. I think the gentleman from Westmoreland is liable to find his commission in a very embarrassing position if the expenses of printing the re-

port or the expenses of members in conducting their investigation were presented to the Auditor General, or whoever approves those things, and having them turned down because they had no right to spend the money; that would be very embarrassing to the commission, and in order to make certain the commission could function I repeat my suggestion to the gentleman from Westmoreland, that he had better make certain the resolution authorizes appointments to the commission and sets forth what the commission is supposed to do, because if you revive the old commission you revive it in toto, you can not substitute members on it, because there is nothing in this resolution that says some of the members may be substituted.

Mr. DENT. Mr. President, from the experience I have had in the General Assembly, any time there is a vacancy created either by death or resignation, on any commission I have happened to serve, the appointing power remains in the hands of the original appointers.

I would suggest, Mr. President, inasmuch as we are heading into the last weeks of the General Assembly Session, that we pass this resolution and then we can get together on whatever amendments the gentleman from Allegheny, Mr. Walker, feels may be necessary in order to clarify the resolution.

As I understand it, this resolution was drafted by one of the leading authorities on legislation in the capital; I mean, he drew the original and he drew this resolution at my request that he draft a resolution to recreate the commission insofar as it was possible, in order that we could continue a study of certain phases of this question, which are contained in the whereas clause in this resolution.

However, Mr. President, the gentleman from Allegheny is being very helpful but I do not think a delay now, without giving the House some opportunity to make a study also of the question, would be unfair to the House and to the Senate.

If we believe the commission ought to be recreated I would suggest to the gentleman we pass this resolution as is and then we should sit down and try to draft any amendments which may be thought necessary, and I can assure the gentleman that Mr. Trout and Mr. Lovett, who were former members of the commission, will gladly accept any amendments which we feel will clarify the issue.

Mr. WALKER. Mr. President, this technicality is getting somewhat repetitious, and I am advised by those who are deeply interested in it that any delay will be fatal. That may be true, Mr. President, but may I respectfully suggest if the resolution adopted is an innocuous one and does not do anything and does not give any power it is worse than futile. I am just trying to be helpful, and I want to say to the gentleman from Westmoreland I am not an expert in drafting legislation or resolutions, but I repeat I am merely suggesting he can not revive a commission that is dead in this manner, because if you do you have to revive it in toto, and I am merely suggesting that perhaps an hour's delay on this side of the legislative halls might save a lot of delay later on.

Mr. DENT. Mr. President, they would have an awful time trying to surcharge me with the amount of money spent by the commission.

And the question recurring,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION DIRECTING JOINT STATE GOVERNMENT COMMISSION TO REPORT TO 1943 GENERAL ASSEMBLY ON ADVISABILITY OF A CENTRAL TESTING LABORATORY FOR THE STATE GOVERNMENT

Mr. TAYLOR. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TAYLOR offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 3, 1941.

The report of the Joint State Government Commission of the General Assembly on the organization and administration of Pennsylvania's State Government contains the recommendation that "consideration should be given to the feasibility of establishing a central testing laboratory to make all of the tests of the several departments and agencies of the State Government".

Laboratories are now maintained by the Department of Agriculture, the Department of Health, the Department of Property and Supplies and the Department of Highways which result in a duplication of work and expenses; therefore be it

Resolved (if the House of Representatives concur), That the Joint State Government Commission is directed to undertake an investigation and study of the feasibility and advisability of establishing a central laboratory for the purpose of making such tests, experiments and research as may be required and requested by any department, board, bureau, commission or agency of the State Government and to make a report of their findings and recommendations to the General Assembly not later than February first, one thousand nine hundred forty-three; and be it further

Resolved, That a copy of this resolution shall be transmitted to the Chairman of the said Joint State Government Commission.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

MOTION TO CONSIDER SENATE BILL No. 270

Mr. CAVALCANTE. Mr. President, I move that the Senate now proceed to consideration of Senate Bill No. 270, on final passage recalled from the Governor, appearing on page two of the Calendar.

Mr. GELTZ. I second the motion, Mr. President. It was agreed to.

BILL ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

MOTION TO CONSIDER SENATE BILLS ONLY

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to consideration of Senate Bills on final passage, beginning at page three of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 560, entitled:

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in

certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," providing for the discharge of realty from the lien of certain old legacies, with notice by publication but without the issuance of a citation.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzier,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 889, on final passage, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO CONSIDER SENATE BILLS ONLY ON THIRD READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to consideration of Senate Bills on third reading.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 77, as follows:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide

revenue for State and county purposes and in cities co-extensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by exempting assets held by liquidating trustees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities co-extensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the nineteenth day of June one thousand nine hundred and thirty-nine (P. L. 413) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which as used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any jointstock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company jointstock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen of the act approved the twenty-second

day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employees' thrift or savings association whether operated by employees or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a receiver trustee or other fiduciary nor to personal property formerly held by a banking institution in its own right but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions it being the intent and purpose of this proviso that no tax be assessed or collected for the years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight one thousand nine hundred and thirty-nine one thousand nine hundred and forty and thereafter upon the personal property enumerated herein And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax

imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any State or government other than this Commonwealth nor shall the provisions of this section apply to personal property held for the use benefit or advantages of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein.

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48.

Barr,	DiSilvestro,	Landus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tailman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Paluska,	Mundy,	Walker,
Co,	Heyburn,	Feed,	Watkins,
Crider,	Homsber,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 158, as follows:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers sailors marines female field clerks yeomen (female) and nurses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars (\$40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred forty-one for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yeomen (female) or members of the enlisted nurse corps of the United States who die or have died of Spanish-American war and/or World War service connected disabilities as certified from veteran administration records

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission (1) as coming within the class described in section one of this act and (2) as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education business school trade school hospital providing training for nurses school or institution providing courses in beauty culture art radio or undertaking or embalming or such other educational training within this Commonwealth as approved by the State Veterans' Commission and (3) as being unable without such gratuity to pursue his or her education or training Payments not to exceed the sum of two hundred dollars (\$200) per school year per child shall be made to such institutions upon the submission by them of proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisition prepared for payments out of the appropriations made by this act

Where a child within the class described is completing an educational or training course and arrives at the age of twenty-one years before completing the course the gratuity may be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 367, as follows:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Millersville State Teachers' College to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Public Instruction with the approval of the Board of Trustees of Millersville State Teachers' College is hereby authorized to enter into a contract with the borough of Millersville Lancaster County for the erection and construction of a sewage disposal plant and for the connection therewith and use thereof by the Millersville State Teachers' College and for the future payment by the Commonwealth of a proportionate part of the cost of maintenance of such sewage disposal plant

Section 2 The sum of nine thousand dollars (\$9,000) or as much thereof as shall be necessary is hereby appropriated to the Department of Public Instruction for the payment of the Commonwealth's share of the cost of the erection and construction of such sewage disposal plant and the necessary sewer lines and connections to connect with the same

Section 3 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 486, as follows:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Hereafter in all sales of personal property under any writ of execution where the plaintiff in said

writ shall become the purchaser the sheriff shall accept in payment a receipt from the plaintiff or his attorney for the amount to which the plaintiff is entitled under such writ of execution from the proceeds of such sale

Nothing in this section shall be so construed as to prevent the sheriff from demanding and receiving at the time of sale a sum sufficient to cover all legal costs entitled to be paid out of the proceeds of the sale and a sum sufficient to cover all claims in the sheriff's hands which are entitled under the law to priority in distribution over the purchaser's claim

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Mallery,	Stiefel,
Becker,	Ealy,	McCreesh,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Cavalcante,	Frey,	Miller,	Tyler,
Chapman,	Geltz,	Mundy,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Woodward,
Detrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,	Lanius,		

NAYS—4

Bartlett,	Edmonds,	Homsher,	Tallman,
-----------	----------	----------	----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Lehigh, Mr. Tallman.

The PRESIDENT. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. TALLMAN. Yes, Mr. President.

Mr. CAVALCANTE. Does the gentleman from Lehigh have any objection to placing Senate Bill No. 653 on the postponed Calendar, so that every time we come to

it on the third reading Calendar he will not have to move that it go over in its order?

Mr. TALLMAN. Mr. President, I would much prefer to have the bill remain on the Calendar. I see no necessity of having it placed on the postponed Calendar.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. TALLMAN. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number of administrative officers and of all deputies and other assistants and employes of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 784, as follows:

An Act to amended section four hundred three of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" further regulating the publication of advertise-

ments and notices required under the provisions of said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section four hundred three of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An Act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or person and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows:

Section 403 Reports to Department Publication Penalties A Every institution except building and loan associations shall send to the department at least twice each year and more frequently if the department shall so order a complete report of its condition exhibiting in detail under appropriate headings the resources and liabilities of the institution Every building and loan association shall send such a report to the department once each year unless the department orders more frequent reports

The department may also require special reports on the condition of or any particular facts concerning any institution at any time the department deems it necessary or advisable for the protection of the depositors other creditors or shareholders thereof

B The form of all reports the information to be contained in them and the date on which they shall be due shall be prescribed by the department The reports shall be verified by the oath or affirmation of the president cashier secretary treasurer or other managing officer of a corporation or by one of the firm in the case of a partnership or other unincorporated association or by the banker if an individual In the case of a corporation the report shall also be attested as correct by the signatures of at least three of its directors or trustees

C Every institution except building and loan associations shall publish during each year in a newspaper or newspapers in the manner provided by this act abstract summaries of any two of its reports designated for this purpose by the department and shall send proof of such publication to the department Such publication shall be required only once in a newspaper of general circulation and in first class counties once in a legal newspaper If there is no newspaper of general circulation published at the city borough or township in which the principal place of business of such institution is located such publication may be inserted in a newspaper of general circulation published nearest to such city borough or township and within the same county Building and loan association shall not be required to publish any abstract summaries of reports

D The Department shall furnish to anyone requesting it upon payment of a reasonable fee to be fixed by the department an abstract summary of any report then in its possession of any building and loan association subject to its supervision showing the assets liabilities receipts and disbursements of such building and loan association

E Any institution which fails to make or publish any report or to furnish any proof of publication in accordance with the provisions of this section shall pay to the

department a penalty of one hundred dollars for each day after the time fixed by the department for filing such report making such publication or furnishing such proof of publication but the department may in its discretion relieve any institution from the payment of such penalty in whole or in part if good cause be shown to it for the failure of such institution to file or publish the report or to furnish proof of publication thereof If an institution fails to pay a penalty from which it has not been relieved the department may through the Department of Justice maintain an action at law to recover it

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto, having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35'

Bartlett,	Edmonds,	Miller,	Tyler,
Becker,	Farrell,	Reed,	Wade,
Carr,	Geltz,	Ruth,	Walker,
Cavalcante,	Heyburn,	Scarlett,	Watkins,
Chapman,	Homsher,	Snowden,	Wilson, H. I.,
Crider,	James,	Stevenson,	Wilson, T. B.,
Crowe,	Kephart,	Tallman,	Woodward,
Deitrick,	Letzler,	Taylor,	Ziesenheim,
Ealy,	Mallery,	Thomas,	

NAYS—13

Barr,	DiSilvestro,	Jaspan,	McQuiddy,
Coleman,	Frey,	Lanius,	Mundy,
Cox,	Haluska,	McCreesh,	Stiefel,
Dent,			

A majority of all the Senators having "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 888, entitled:

An Act abolishing Court of Common Pleas Number Seven of Philadelphia County.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, we have a very jovial Senator from Allegheny, Mr. Walker; we have a very conservative Senator from Warren, Dr. Chapman; and those two gentlemen have been arguing more or less about the optometrist bill, No. 835, I believe it was; they did not see eye to eye and the Senator from Allegheny, the jovial Senator from Allegheny, rose in caucus the other day—Senator Geltz need not tremble that I will reveal any secrets of the caucus—and more or less demanded a show-down from the distinguished gentleman from Warren who, as we all know, is a very, very handy man around the Senate—when the chairman of any committee is absent Dr. Chapmar becomes chairman of that committee and he has taken on the chairmanship of the Appropriations Committee on the side—well, the gentleman from Allegheny, Senator Walker, made a very stern demand for action on the optometrist bill and when he sat down the gentleman from Warren, Dr. Chapman, rose and said

there were certain matters pertaining to the medical profession in which the legal profession has no right whatever to interfere and the gentleman from Allegheny, Senator Walker, sat perfectly tight and did not rise.

Now, Mr. President, I am in the position of going into reverse because I am not a member of the legal profession and I might suggest that well-known phrase that "fools rush in where angels fear to tread."

I have not had time to think of many examples of wise fools, but I think you all remember Joan of Arc, I think even the Democrats have heard of Joan of Arc.

I now submit some figures. I regret my colleague from Philadelphia, Mr. Shapiro, is not here to hear these Republican figures. I hold in my hand an official sheet of paper from the Clerk of the Quarter Sessions Court of Philadelphia County and this one sheet of paper tells the tragedy of Common Pleas Court No. 7, which is made up entirely of Democrats. The cost of operation is per annum \$51,000 salaries; if you multiply fourteen thousand dollars, the regular salary, by three judges—you may think my figuring is wrong, but what you have overlooked is that item called "incidentals" of \$1,500 per annum and there that figure of fifteen hundred dollars has reached eighteen hundred. What the incidentals of judges are I have no idea; perhaps some member of the Bar knows but I do not; however, the funny thing in these figures is that that \$51,000 is exactly matched—of course that \$51,000 comes from the state, the salaries, but this figure is exactly matched by the money the county of Philadelphia has to pay—the tipstaves, stenographers, janitors, spittoons, ash trays, furnishings—Well, that is practically \$51,000 per year, and the salaries match it. Then as I have mentioned before, there is an awful item here, showing what we are up against in Philadelphia, having dual government—paid for by mandamus, another \$51,000—I do not know how this magic figure gets in there—paid by mandamus, \$51,000 for the furnishings of this court room number seven.

There was great difficulty in finding any place to put this court.

The grand total for those judges, all living and continuing to draw salaries, and the janitors and tipstaves—all living—the grand total for the carrying of this court will be \$984,220.

Now, Mr. President, I have been waiting, as you know, for the return of the prodigal, Senator Shapiro. Well, he has not returned. I hope he is not ill because I do not want to say anything very personal about him in his absence. I will simply state briefly that while he very rarely makes a mistake, he did make a mistake in organizing this Shapiro Court. He fell down on the Municipal Court—what he did was not approved by the Supreme Court—and as a result of that we have this court number seven, which we do not need but which we are paying all that money for.

Now, Mr. President, a word about Senator Shapiro—this is all right in his absence because it is very complimentary—I am one of the few Republican Senators who really appreciates Senator Shapiro. I admit he is not what is known as a shrinking violet, he does not object to being in the public eye, but as in illustration of my excellent opinion, Mr. Jay Cooke, who as you probably remember, was chairman of the Philadelphia City Committee and a great power in city politics, came all the

way out to my house to see me one day and asked me whether I was going to vote against seating Senator Shapiro and I said "not at all, I am for Shapiro and will seat him if I can." I said, "of course, he is like a woman somewhat—we cannot get along with him but we cannot get along without him," I said, "I certainly will vote for Shapiro on any occasion. He is very helpful to us."

But, speaking of Senator Shapiro, I would like for a moment to make a few casual remarks about the Democrats in general. I walked around Capital Hill this morning to see if I could find any enduring Democrats in either marble or bronze, and I utterly failed. As you know, Senator Bois Penrose is just in front of the angels—and as you go out of the rotunda you will find General Stewart in bronze and Governor Curtin in bronze, and George T. Oliver in bronze and the only man among them ever indicted and tried is in white marble—indicating his purity. You may have heard the expression "shake the plum tree." That was originated by the gentleman in white marble.

Well, Mr. President, failing to find any Democratic statues, I did look up at the very tip-top of the dome and there is a gilded figure there which looks to me like an Indian—I do not know whether that is symbolic of Senator Guffey or not, but perhaps some people would call him a gilded Indian.

Now, Mr. President, in conclusion—I want to encourage you by saying in conclusion—we all know if we are honest there are two handicaps which prevent our attaining one hundred per cent perfectness in our careers and one is waste and the other is patronage.

Waste I have described in Court number seven. Patronage, of course, was promoted when the Senate consigned the consolidation of Philadelphia, city and county, to what is called the committal service at a funeral—we have a committal service right in the Senate; we have a recom-mittal service which is even worse.

Mr. WOODWARD. Mr. President, with those few words—I must not forget my real purpose of standing up here is to move to recommit this Senate Bill—Court number seven—and my distinguished colleague from Philadelphia, Senator DiSilvestro, has pledged his word to second this motion.

Mr. REED. Mr. President, if the conditions exist that the gentleman from Philadelphia has already outlined and related here, I think the bill ought to be passed and I am greatly surprised that the gentleman from Philadelphia move to recommit it.

Mr. DiSILVESTRO. Mr. President, as I said yesterday, I believe that the jockeying around of this bill for the last two weeks was only a means of propaganda.

In answer to my dear colleague from Washington I would say if we were to pass this bill it would be unconstitutional because, after these men had already been appointed, the people of Philadelphia voted on them and they were elected constitutionally by the people of Philadelphia.

Mr. STIEFEL. Mr. President, I believe I would be remiss in my duty if I were not to answer some of the remarks made by my colleague from Philadelphia, Mr. Woodward. I personally consider myself, as the Latin *amenuensis* of Senator Woodward; whenever there is some difficult phrase of Latin origin, I always have the honor of looking up the origin of it for Senator Woodward's consumption especially that famous phrase "*sic transit gloria mundi*"

Mr. THOMAS B. WILSON. Mr. President, we request that the Senator from Philadelphia make use of the microphone. We can not hear him very well.

Mr. STIEFEL. Mr. President, I believe I would be remiss in my duty if some of the remarks made by Dr. Woodward will remain unanswered.

I have great respect for Dr. Woodward and quite often engage with Dr. Woodward in research of phrases, especially when they have something to do with Latin. One of the phrases was that famous expression "sic transit gloria mundi," and we finally succeeded in looking up its origin. It is a symbolic process having to do with the burning of flax.

I believe the figures presented by my colleague from Philadelphia, Dr. Woodward, deal somehow with alchemy—a juggling of figures. True enough he mentioned certain expenditures which were incurred by the Democratic Court at the time it was organized, but the gentleman forgot to mention the savings to the Commonwealth because of the elimination of what the gentleman from Cambria calls gypsy judges. Since we have created court number seven in Philadelphia we have no more gypsy judges.

BILLS RECOMMITTED

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 838, on third reading be recommitted to the Committee on Judiciary General.

Mr. DiSILVESTRO. Mr. President, I second the motion. On the question,

Will the Senate agree to the motion.

Mr. REED. Mr. President, I would like to be recorded as voting "no" on the statement made by the gentleman from Philadelphia, Dr. Woodward.

The PRESIDENT. The vote of the gentleman from Washington will be so recorded.

The yeas and nays were required by Mr. REED and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Tallman,
Bartlett,	Faly,	Letzler,	Taylor,
Becker,	Edmonds,	Mallery,	Thomas,
Carr,	Farrell,	McCreesh,	Tyler,
Cavalcante,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Walker,
Coleman,	Haluska,	Mundy,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,
Dent,	Kephart,	Stiefel,	

NAYS—1

Reed.

So the question was determined in the affirmative.

Mr. ZIESENHEIM. Mr. President, I move that Senate Bill No. 913, on third reading, entitled:

An Act authorizing and directing the Department of Revenue, to prepare airport approach plans for publicly owned airports; empowering and directing such department and also counties, municipalities and other political subdivisions to promulgate, administer and enforce airport zoning regulations, limiting the height of structures excepting those structures that are under the jurisdiction of the Pennsylvania Public Utility Commission, and objects of natural growth, and otherwise regulating the use of property in the vicinity of such airports; providing for the granting of zoning permits and variances and for appeals from zoning regulations; authorizing the acquisi-

tion by purchase, grant or condemnation of air rights and other interests in land; and providing penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred thereby

be recommitted to the Committee on Aeronautics.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 934, on third reading, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1017, as follows:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every person who shall hold any office or appointment of profit or trust under the government of the United States whether an officer a subordinate officer or agent who is or shall be employed under the legislative executive or judiciary departments of the United States and also every member of congress is hereby declared to be incapable of holding or exercising at the same time the office or appointment of justice of the peace notary public mayor recorder Burgess or alderman of any city corporate town or borough resident physician of the lazaretto constable judge inspector or clerk of election under this Commonwealth Provided however That the provisions hereof shall not apply to any person serving in the armed forces of the United States under a commission or otherwise

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Cavalcante,	Geltz,	Miller,	Wade,
Chapman,	Haluska,	Mundy,	Walker,
Coleman,	Heyburn,	Reed,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,

Crowe,
Deltrick,
Dent,

Jaspan,
Kephart,
Lanius,

Snowden,
Stevenson,
Stiefel,

Woodward,
Ziesenheim,

NAYS—1

Ealy.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1040, as follows:

An Act to further amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor' approved the eighth day of June Anno Domini one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domini one thousand nine hundred and nineteen towards its maintenance" as amended by the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 525) is hereby further amended to read as follows:

Section 1 Be it enacted Et Cetera That the Navigation Commission for the Delaware River and its navigable tributaries established under the provisions of the act to which this is a supplement and its amendments and hereinafter referred to as the commissioners are hereby authorized and directed to provide and maintain a nautical school for the education and training of pupils in the science and practice of navigation seamanship steam and electrical engineering to furnish accommodations on board a proper vessel for said school and make all needful rules and regulations therefor and for the number and compensation of instructors and others employed therein to prescribe the government and discipline thereof and the terms and conditions upon which pupils shall be received and instructed therein and discharged therefrom and provide in all things for the good management of said nautical school Provided That applica-

tions for admission of sons of persons who served with the armed forces of the United States during any war in which the United States shall have been engaged and shall have an honorable discharge therefrom shall be given preference over all other applications And the said commissioners shall have power to purchase the books apparatus stationery and other things necessary or expedient to enable said school to be properly and successfully conducted and may cause the said school or the pupils or part of the pupils thereof to go on board a vessel or vessels in the harbor of Philadelphia and take cruises in or from said harbor for the purpose of obtaining a practical knowledge in navigation and the duties of mariners and engineers If not residents of the Commonwealth of Pennsylvania pupils may be admitted only upon the payment of such fees as shall be prescribed by the commissioners based on the full annual per capita cost of educating such pupils The moneys received from such fees shall be credited to the biennial appropriation to the board for the maintenance of a nautical school located at the port of Philadelphia and the moneys so credited are hereby appropriated for the use of said board And the said commissioners are hereby authorized to receive from the United States Government such vessel or vessels as the Secretary of the Navy may detail for the use of said school

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deltrick	Jaspan,	Snowden,	Woodward,
Dent.	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining air-dromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now

owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth.

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. ZIESENHEIM. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, page 2, line 5 of the title, after the word "Commonwealth" by inserting the following words: "except counties of the eighth class"; amend section 1, page 2, line 21, after the word "counties" and before the light faced bracket, by inserting the following words: "except counties of the eighth class"; amend section 2, page 3, line 19, after the word "county" and before the light faced bracket, by inserting the following words: "except counties of the eighth class".

On the question,

Will the Senate agree to the amendments?

Mr. COLEMAN. I desire to interrogate the sponsor of the bill, the gentleman from Erie, Mr. Ziesenheim.

The PRESIDENT. Will the gentleman from Erie permit himself to be interrogated?

Mr. ZIESENHEIM. Yes, Mr. President.

Mr. COLEMAN. Mr. President, as I understand the bill as now amended, it affects all counties in the Commonwealth excepting eighth class.

Mr. ZIESENHEIM. That is correct, Mr. President.

Mr. COLEMAN. Mr. President, will the gentleman from Erie point out the distinction between this bill and the bill passed by the Senate, sponsored by the gentleman from Luzerne, Mr. Miller.

Mr. ZIESENHEIM. Mr. President, my understanding of the bill as sponsored by the gentleman from Luzerne, Mr. Miller, is that the bill permitted two counties to co-operate in the establishment and maintenance of airports. This bill under consideration applies to an individual county, acting alone.

Mr. DENT. Maybe this is not clear in my mind, Mr. President, but why exempt eighth class counties if there is a suitable airport site there? I understand this is purely a matter of defense, building up defense and so forth, and if an eighth class county happens to have a desirable airport site why would it become exempt: you would not exempt a third class county or any other particular county

Mr. ZIESENHEIM. Mr. President, the answer is that I had a request from several Senators representing eighth class counties.

Mr. DENT. I understand the answer now, Mr. President.

And the question recurring,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1044, as follows:

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eleven of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the eighteenth day of May one thousand nine hundred thirty-seven (P. L. 683) is hereby further amended to read

Withdrawal

Section 11 (1) Should a contributor before reaching superannuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employee he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employee so separate from his or her service as State employee without retiring return within ten years and restore to the State Employees' Retirement Fund to the credit of the annuity savings account in such manner as may be agreed upon by the State employee and the retirement board his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at the time of separation from service shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employee who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employee at any time and to continue from the time of reentry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service and by further payroll deduc-

tions In any such case his or her annuity or allowance shall cease upon reentry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service or voluntarily after having completed twenty-five years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated deductions and in addition a State annuity having a value equal to the present value of a State annuity beginning at superannuation retirement age calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

(4) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated shall have died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dollars (\$100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductions on the claim of the undertaker or any person or persons or political subdivision who or which shall have paid the claim of the undertaker

(5) A State employe who has at least three (3) years of service as an employe of the Commonwealth and is presently actively employed by the Commonwealth may borrow from his or her funds in the retirement system with the approval of the State Employees Retirement Board an amount not exceeding fifty per cent per annum of the amount of his or her accumulated contributions provided that the amount so borrowed together with the interest thereon can be repaid by additional deductions from the salary of the contributor not in excess of ten per cent per annum of the member's salary made at the same time salary is paid to the member but not after the attainment of age sixty The amount so borrowed together with the interest at the rate of five per cent per annum on any unpaid balance thereof shall be repaid to his or her funds in the retirement system in equal installments by deduction from the salary of the member at the time the salary is paid and in such amounts as the State Employees' Retirement Board shall approve but such installments shall be at least equal to the member's contributions to the retirement system and at least sufficient to repay the amount borrowed with interest thereon by the time the member attains age sixty Notwithstanding anything to the contrary in this act the additional deductions required to repay the loan shall be made and shall be credited to the proper fund of the retirement system and any unpaid balance of a loan at the time any benefit may become payable shall be deducted from the benefit otherwise payable The provisions of this subdivision shall apply equally to members of the Pennsylvania Motor Police Retirement System established by the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423)

Section 2 Section seventeen of said act as last amended by the act approved the twenty-third day of April one thousand nine hundred thirty-five (P. L. 49) is hereby further amended to read

Exemption from Execution

Section 17 The right of a person to a member's annuity a State annuity or retirement allowance to the return of contributions to withdrawal any benefit or right

accrued or accruing to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax including transfer or inheritance tax and exempt from levy and sale garnishment attachment or any other process whosoever and shall be unassignable except as in this act specifically otherwise provided and shall not be subject to diminution in any respect except to reimburse the funds for moneys fraudulently retained or obtained from the fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

MOTION TO PROCEED TO SECOND READING CALENDAR

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed to the second reading Calendar, and consider Senate bills only, beginning at page sixteen of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 171, entitled:

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth

auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth," further regulating refunds.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 484, entitled:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 823, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercises of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions; and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both; and of affiliates of such corporations or persons; and of officers, directors, trustees and employes of such corporations and persons.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY, from the Committee on Public Utilities, re-reported as committed, Senate Bill No. 787, entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers, by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

SENATE BILL No. 1000, (HOUSE BILL No. 567),
CALLED UP ON SECOND READING

Mr. EDMONDS. Mr. President, I now call up Senate Bill No. 1000, (House No. 567), on second reading, page 20 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748) entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 13, b, page 26, line 3, by striking out the words "unless so registered as a dealer or salesman"; amend section 13, b, page 26, line 7, by inserting after the word "purchased" and before the word "No" the following: "No investment adviser shall issue or publish in this State any analysis until such investment adviser shall have been registered, or temporary permission shall have been obtained as in this act provided,"; amend section 21, page 40, line 20, by striking out the word "takes" and insert in lieu thereof: "taken."

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous con-

sent that Senate Bill No. 1000, (House Bill No. 567), on second reading go over in its order as there still are some amendments which should be considered.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL NO. 915 ON FINAL PASSAGE CALLED UP

Mr. REED. Mr. President, I now call up Senate Bill No. 915, (House Bill No. 124), on final passage, page 5 of the Calendar.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 915, (House Bill No. 124), entitled:

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds, to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records, and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers, and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase; authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers, employees and agents to administer oaths, providing the method and effect of service of certain orders and the posting of rules, regulations and certain orders, enabling employees of the commission to photograph photostat, mark or stamp for identification books and papers that they have inspected, providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders, requiring milk dealers or handlers to be li-

censed, stating grounds for refusal, suspension, revocation of licenses or the right to apply for a license or for refusal to transfer licenses, stating the effect of service by registered mail when the addressee refuses to accept or receive such mail, enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers, prescribing the effective date and term of such bonds and providing for their release, providing for the increase or decrease of the amounts of bonds, prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds, providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers, increasing the scope of regulation of sub-dealers making certain information available to cooperatives and producers' groups, clarifying the requisites of orders fixing prices for milk, providing for the competency of certain statistical testimony and data, providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order, defining violations of orders of the commission fixing prices, making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them, giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk, further regulating and imposing duties on milk dealers or handlers, setting up a price fixing procedure, restricting powers of the Governor, prescribing procedure on appeal from orders of the commission, further defining and prescribing penalties defenses rights and remedies, and providing for the payment of funds in the hands of the commission owing to producers and handlers

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deitrick,	Kephart,	Stevenson,	Ziesenheim,
Dent,	Lanius,		

NAYS—2

Ealy, Walker,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

SENATE BILL No. 835, (HOUSE No. 1435), ON SECOND READING

Mr. BARR. Mr. President, I now call up Senate Bill No. 835, (House No. 1435), on second reading, page 18 of the Calendar.

Mr. COLEMAN. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national defense activities.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer an amendment.

Amend Section 2, page 5, line 2, after the word "site" and before the word "gardening," by taking out the word "appropriations" and inserting in lieu thereof the word: "preparation."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section was read and agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer amendments:

Amend Section 4, page 7, line 14, after the word "authority" and before the word "shall," by inserting the following words: "pursuant to this act"; Amend Section 4, page 7, between lines 20 and 21, by inserting the following words: "After the National-Defense Period, any such projects owned and administered by a housing authority shall be administered for the purpose and in accordance with the provisions of the Housing Authority Law."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 5, page 8, line 5, after the word "and" and before the word "shall", by inserting the following words: "any

such sale."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 6, page 9, line 3, after the word "body" and before the word "any", by taking out the word "or" and inserting in lieu thereof the following words: "for".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh to the eleventh section inclusive of the bill were read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. BARR. Mr. President, I ask unanimous consent that Senate Bill No. 835, (House Bill No. 1435), on second reading go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

SENATE BILL No. 729, (HOUSE BILL No. 393), ON THIRD READING CALLED UP

Mr. STIEFEL. Mr. President, I now call up Senate Bill No. 729, (House Bill No. 393), on third reading and final passage, page 9 of the Calendar.

Mr. JASPAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I would like to suggest to the gentleman from Philadelphia, Mr. Stiefel, that he withhold calling up the bill for a while. We are trying to follow some orderly procedure and I understand House Bills will be called up in their order as they appear on the Calendar, and when we come to the bill in which the gentleman is interested, if it is not called up, he may call it up himself at that time.

Mr. STIEFEL. Mr. President, I understand some of my colleagues expect to leave shortly and therefore with the permission of some of the members I would like to call it up now. I am not trying to interfere with the procedure.

Mr. MUNDY. Mr. President, I was one of those Senators who asked the Senator to call this bill up, in order that I might have an opportunity to vote upon it.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 729, (House Bill No. 393), as follows:

An Act to amend section one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no contract relating to the sale or resale of a commodity which bears or the label or content of which bears or the vending equipment from which said commodity is sold to the consumer bears the trade-mark brand or the name of the producer or owner of such commodity and which is in fair and open competition with commodities of the same general class produced by others shall be deemed in violation of any law of the State of Pennsylvania by reason of any of the following provisions which may be contained in such contract

(a) That the buyer will not resell such commodity except at the price stipulated by the vendor

(b) That the buyer of such commodity require upon his resale of such commodity that the purchaser from him agree that such purchaser will not in turn resell except at the price stipulated by the vendor of the buyer

Such provisions in any contract shall be deemed to contain or imply conditions that such commodities may be resold without reference to such agreement in the following cases

(a) In closing out the owners stock for the purpose of discontinuing delivery any such commodity

(b) When the goods are damaged or deteriorated in quality and notice is given the public thereof

(c) By any officer acting under orders of any court or in the execution of any writ or distress

Section 2 Wilfully and knowingly advertising offering for sale or selling any commodity at less than the price stipulated in any contract entered into pursuant to the provisions of section one of this act whether the person so advertising offering for sale or selling is or is not a party to such contract in unfair competition and is actionable at the suit of such vendor buyer or purchaser of such commodity

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time

On the question,

Will the Senate agree to the bill on third reading?

(The following occurred during the calling of the roll):

Mr. STIEFEL. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified. The Clerk will call the names of those voting in the affirmative.

The affirmative votes were as follows:

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Mallery,	Tallman,
Becker,	Edmonds,	McQuiddy,	Taylor,

Chapman,	Farrell,	Miller,	Thomas,
Coleman,	Frey,	Mundy,	Tyler,
Cox,	Haluska,	Ruth,	Wilson, T. B.,
Crider,	Heyburn,	Scarlett,	Woodward,
Crowe,	Jaspan,	Snowden,	Ziesenheim,

The PRESIDENT. Are there any corrections. The Chair hears none. The affirmative roll will stand as verified.

The negative votes were as follows:

Carr,	Ealy,	James,	Stevenson,
Cavalcante,	Geltz,	Lanius,	Walker,
Deitrick,	Homsher,	Reed,	Wilson, H. I.,

The PRESIDENT. Are there any corrections. The Chair hears none. The negative roll will stand as verified.

The roll stands as verified, the affirmative—32; negative—12.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Barr,	Dent,	Kephart,	Stiefel,
Bartlett,	DiSilvestro,	Mallery,	Tallman,
Becker,	Edmonds,	McQuiddy,	Taylor,
Chapman,	Farrell,	Miller,	Thomas,
Coleman,	Frey,	Mundy,	Tyler,
Cox,	Haluska,	Ruth,	Wilson, T. B.,
Crider,	Heyburn,	Scarlett,	Woodward,
Crowe,	Jaspan,	Snowden,	Ziesenheim,

NAYS—12

Jarr,	Ealy,	James,	Stevenson,
Cavalcante,	Geltz,	Lanius,	Walker,
Deitrick,	Homsher,	Reed,	Wilson, H. I.,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, in connection with the last bill we voted on, was it amended in the Senate or was it not?

The CHAIR. It was not. The Chair is so advised.

SENATE BILL No. 497, (HOUSE BILL No. 610), ON CONCURRENCE IN HOUSE AMENDMENTS CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 497, (House Bill No. 610), on concurrence in House amendments, recalled from the Governor.

Mr. WALKER. Mr. President, I second the motion. The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 497, (House Bill No. 610), entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 652, (House Bill No. 1098), on concurrence in House amendments, recalled from the Governor, entitled:

An Act to amend section four hundred eight of article four of the act approved the third day of June one thousand nine hundred thirty-three (P. L. 1449) entitled "An act establishing a court of record in the County of Allegheny for control care guidance treatment trial placement and commitment of delinquent neglected and dependent children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging delinquency neglect or dependency of children defining the jurisdiction and powers of the court and regulating procedure therein providing for the transfer thereto of certain powers functions and duties from other courts providing for the election of judges thereof the appointment of probation officers other necessary staff officials and assistants providing for housing of same and providing for detention facilities making the contributing to or encouraging of the delinquency neglect or dependency of children a misdemeanor and providing penalties" to further provide for the payment of and liability for the costs of maintenance of children under care of the Juvenile Court by certain persons and by the city or county institution district or county liability to be determined on the basis of the legal settlement of such child at the time of assumption of jurisdiction by the court.

be postponed for the present.

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I desire to interrogate my colleague from Allegheny, Senator Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. Yes, Mr. President.

Mr. BARR. Mr. President, can the gentleman from Allegheny tell me why he wants to have this bill placed on the postponed calendar.

Mr. GELTZ. Yes, Mr. President, we want it on the postponed calendar so that we can have a little more time for consideration of the bill and the amendment.

Mr. BARR. Mr. President, this bill has passed both the House and the Senate and was recalled from the Governor's office when the Attorney General found that the title was faulty, and we corrected that, and I see no reason why the bill needs any further study, and I ask my colleagues to vote against the motion to place the bill on the postponed calendar.

Mr. MALLERY. Mr. President, if the Senator does not mind I would like to reply.

In the early part of this session there was a bill which passed in the Senate unanimously, I think, and it is peacefully sleeping in a House Committee, and it seems to me we will have to do something we had hoped we would not have to do at the beginning of this session to get action on some Republican measures that passed the Senate unanimously, and I would be glad if the gentleman from Allegheny would cooperate with me to start some bills moving.

Mr. BARR. Mr. President, I thank the gentleman for his very truthful answer.

Mr. COX. Mr. President, I wish to add my objections to those of the other Senators from Allegheny to this bill being placed on the postponed calendar.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 748, (House Bill No. 218), entitled:

An Act to further amend section three and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "An act preventing the manufacture, sale or transportation within the Commonwealth of adulterated or misbranded Paris greens, lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein, providing for inspection of such materials and imposing penalties," by imposing additional duties on the Secretary of Agriculture and further regulating the sale, possession for sale and manufacture of insecticides and fungicides.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,

Cox,	Heyburn,
Crider,	Homsher,
Crowe,	James,
Deitrick,	Jaspan,
Dent,	Kephart,

Reed,
Ruth,
Scarlett,
Snowden,
Stevenson,

Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. DEITRICK. Mr. President, I ask unanimous consent that Senate Bill No. 818, (House Bill No. 1324), on final passage, entitled:

An Act to further amend section thirty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties,

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein, and to borrow money and issue bonds for said purpose.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. THOMAS. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, page 1, lines 1 to 5 of title, by striking out all of said lines, and inserting in lieu thereof: "Authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose; providing for payment of such appropriations into a special fund in the State Treasury; appropriating the money in such fund, and authorizing the purchase of necessary insurance"; amend sec. 1, page 1, line 2, by striking out the word "towns" and inserting in lieu thereof: "town"; amend sec. 2, page 2, lines 16 to 27, both inclusive, by striking out all of said lines, and inserting in lieu thereof:

Section 2. All moneys so appropriated shall be paid into the Surplus Commodities Stamp Fund of the State Treasury, through the Department of Revenue, and the Secretary of Public Assistance shall use such fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government, which stamps shall be sold to persons eligible to receive same in accordance

with Federal Surplus Commodities Stamp Plans. All moneys received from the sale of such stamps, and all moneys received from insurance covering losses of such stamps, or the proceeds from the sale of such stamps, shall be paid into the said fund, and shall be used for the further purchase of Federal Surplus Commodities Stamps. Upon notice of withdrawal to the Secretary of Public Assistance of any county, city, borough, incorporated town, or township from further participation in the Federal Surplus Commodities Stamp plans, such county, city, borough, incorporated town, or township shall be reimbursed by the Secretary of Public Assistance from the fund to the full extent of its contributions. All moneys whatsoever paid into said fund are hereby specifically appropriated to the Department of Public Assistance for the purposes hereinbefore set forth.

Section 3. The Department of Public Assistance shall have the power to purchase, through the Department of Property and Supplies, such insurance as may be deemed necessary to protect it against loss in the handling of Federal Surplus Commodities Stamps, or the proceeds from the sale thereof. The cost of such insurance shall be paid out of appropriations to the Department of Public Assistance for assistance, local administration, et cetera.

Amend sec. 3, page 2, line 28, by striking out the figure "3" and inserting in lieu thereof: "4".

On the question,

Will the Senate agree to the amendments?

Mr. COLEMAN. Mr. President, these are the amendments to which I objected yesterday afternoon, on the ground we wanted an opportunity to examine them and see exactly what they did. Now, Mr. President, I am happy to inform my colleagues, both on the Republican and Democratic side, that we have checked with the Department of Public Assistance and the sponsor of the bill and we find these are good amendments and I accordingly withdraw my objections and ask my colleagues to support them.

And the question recurring,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 614, (House Bill No. 1126), on third reading, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State Government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Common-

wealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State Government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 701, (House Bill No. 404), as follows:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 License Necessary to Marry No person shall be joined in marriage within this Commonwealth until a license shall have been first obtained for that purpose from the clerk of the orphans' court of the county where the marriage ceremony is to be performed or where either of the contracting parties resides A license so issued in the county wherein either of the contracting parties resides shall authorize the marriage ceremony to be performed in any county of this Commonwealth

Section 2 Application for License to Marry No license to wed shall be issued by any clerk of the orphans' court except upon written and verified application made by both of the parties intending to wed Such application shall contain a statement of (a) the full Christian name and surname of the applicants (b) the color age occupation birth place and residence of the applicants (c) the full Christian name and surname residence color occupation and birthplace of their parents including the maiden name of the mothers (d) whether the marriage is the first second or other marriage (e) that neither of the applicants is afflicted with a transmittable disease (f) that each of the parties has submitted to an examination within thirty days of the application for the license as to the existence or nonexistence of syphilis and has presented a proper statement entitling him or her to a license to marry signed by a duly licensed physician and (g) such other facts as the Department of Health may deem necessary to determine whether any legal impediment to the proposed marriage exist

Section 3 Waiting Period After Application for License No license to marry shall be issued until after three days from the day of making application therefor except in cases of emergency or extraordinary circumstances when a judge of the orphans' court may authorize the license to be issued at any time before the expiration of said three days

Section 4 Restrictions on the Issue of Marriage License No license to wed shall be issued by any clerk of the orphans' court

(a) Until there shall be in the possession of the clerk of the orphans' court a statement or statements signed by a duly licensed physician of the Commonwealth of Pennsylvania that each applicant within thirty days of the

application for the marriage license has submitted to an examination to determine the existence or non-existence of syphilis which examination has included a standard serological test or tests for syphilis and that in the opinion of the examining physician the applicant is not infected with syphilis or if so infected is not in a stage of that disease which is likely to become communicable. The physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test or from some other person authorized to make such statement setting forth the name of the test and the date it was made the name and address of the physician to whom a report was sent and the exact name and address of the person whose blood was tested but not setting forth the result of the test.

(b) Unless at least one of the applicants is identified to the satisfaction of the clerk of the orphans' court applied to for such license or unless at least one of the applications has attached thereto a certificate from the alderman magistrate or justice of the peace before whom it was taken stating that the applicant was identified to the satisfaction of such officer.

(c) If either of the applicants for a license is under the age of eighteen years except in special cases where a judge of the orphans' court shall have discretion to authorize a license to be issued by the clerk of the orphans' court where one or both applicants are under the age of eighteen years.

(d) If either of the applicants is under the age of twenty-one years unless the consent of a parent or guardian shall be personally given before the clerk or be certified under the hand of a parent or guardian attested by two adult witnesses and in the latter case the signature of the parent or guardian shall be acknowledged before an officer authorized by law to take acknowledgments. When such a minor has no guardian and the judge of the orphans' court is absent or not accessible for any reason the clerk of the orphans' court or a duly appointed assistant clerk of said court may appoint a guardian pro hoc vice for such minor.

(e) If either of the applicants for license is an imbecile epileptic of unsound mind or under guardianship as a person of unsound mind or as a feeble minded person.

(f) If either applicant is or has been within five years preceding the time of the application an inmate of any institution for the insane or home for indigent persons unless it satisfactorily appears that the cause for such condition has been removed and that the male applicant is able to support a family.

(g) If at the time of making application either of the applicants is under the influence of intoxicating liquor or narcotic drug.

(h) To a person (divorced by his or her former spouse on the grounds of adultery) for the marriage of such person to the person with whom the crime of adultery was committed during the lifetime of the former husband or wife.

(i) To applicants who are of kin of the degree of first cousins.

(j) To applicants within the prohibited degrees of consanguinity and affinity which are as follows

Degrees of Consanguinity

A man may not marry his mother

Do do father's sister

Do do mother's sister

Do do sister

Do do daughter

Do do the daughter of his son or daughter

A woman may not marry her father

Do do father's brother

Do do mother's brother

Do do brother

Do do son

Do do the son of her son or daughter

Degrees of Affinity

A man may not marry his father's wife

Do do son's wife

Do do wife's daughter

Do do the daughter of his wife's son or daughter

A woman may not marry her mother's husband

Do do daughter's husband

Do do husband's son

Do do the son of her husband's son or daughter

Section 5 Tests for Syphilis Physician's Statement Appeals Filing (a) For the purpose of this act a standard serological test for syphilis shall be a test approved by the State Department of Health and shall be made at a laboratory approved to make such tests by the State Department of Health. Such laboratory tests as are required to be made by this act shall on request of the physician submitting the sample and on his certificate that the applicant is unable to pay be made without charge by the State Department of Health.

(b) Any applicant for a marriage license having been denied a physician's statement as required by this act shall have the right of appeal to the Department of Health of the Commonwealth of Pennsylvania for a review of the case and the said department shall after appropriate investigation issue or refuse to issue a statement in lieu of the physician's statement required by section one of this act.

(c) The statements of the physician who examined the applicant and the laboratory which made the serological test shall be uniform throughout the state and shall be upon forms provided therefor by the State Department of Health. These forms shall be filed by the clerk of the orphans' court separately from the applications for marriage licenses and shall be regarded as absolutely confidential by any and every person whose duty it may be to obtain make transmit or receive such information or report.

Section 6 Examination of Applicants Each of the applicants for a marriage license shall appear in person before the clerk of the orphans' court of the county in which the license is to be issued or before an alderman magistrate or justice of the peace of that county or of the county wherein the applicant resides.

At the time of such appearance the applicant or both of them if they appear together shall be examined under oath or affirmation as to

(a) The legality of the contemplated marriage

(b) Any prior marriage or marriages and its or their dissolution

(c) All the information required to be furnished on the application for license as prepared by the Department of Health and

(d) The restrictions set forth in section four of this act.

The application or applications shall thereupon be completed in accordance with such examination and duly sworn or subscribed to by the applicant or applicants.

Upon the completion of any application or applications taken before an alderman magistrate or justice of the peace such application or applications shall be promptly transmitted to the clerk of the orphans' court of the county in which the license is to be issued. There shall be attached to each application so forwarded a certificate of the officer before whom it was taken stating whether or not the applicant was identified to the satisfaction of such officer.

The clerk of the orphans' court wherein the license is sought when properly completed applications on behalf of each of the parties to the proposed marriage have been taken before him or duly forwarded to him by an alderman magistrate or justice of the peace shall if there is no legal objection to the marriage grant a license. Such license shall not be granted until after three days from the date of the most recent of the two applications therefor.

The clerk of the orphans' court shall provide application blanks upon request to aldermen magistrates and justices of the peace and also blanks for certifying the identification of applicants.

Section 7 Orphans' Court to Pass Upon Refusal of Clerk to Issue License In those cases where the right to a license is not made to appear the clerk of the orphans' court shall refuse to issue the same. At once upon such refusal

he shall certify the proceedings to the orphans' court of the county without formality or expense to the applicants for license who shall be notified by the clerk of such action."

Such application for a license to marry shall thereupon at the earliest possible time be heard by a judge of said court without a jury in court or in chambers during the term or in vacation as the case may be. The finding of the court that a license ought to issue or ought not to issue shall be final and the clerk of the orphans' court shall act in accordance therewith.

The true intent of this section is to secure for applicants a hearing before the orphans' court without affirmative action by said applicants and to give notice to them of such hearing its time and place without delay or expense.

Section 8 Recording Application and Consent Certificate The applications for license and all consent certificates shall be immediately recorded by the clerk of the orphans' court in a book provided for that purpose at the cost of the county which shall be called the marriage license docket and which shall be a public record open to inspection or examination by the public at all times during business hours. Any person may make a copy or abstract of the entries contained in the said marriage license docket for the purpose of publication in any regularly published daily or weekly newspaper and it shall be lawful to publish said copy or abstract in any regularly published daily or weekly newspaper printed within the Commonwealth.

Section 9 Form of Marriage Licenses Marriage Certificates (a) The marriage license as issued by the clerk of the orphans' court shall not be valid for a longer period than sixty days from the date of issue and shall be in form substantially as follows to wit

Commonwealth of Pennsylvania } ss No
County of }

To any person authorized by law to solemnize marriage You are hereby authorized to join together in holy state of matrimony according to the laws of the Commonwealth of Pennsylvania A B of full age and never heretofore married and C D likewise of full age and never heretofore married

Given under my hand and seal of the orphans' court of said county of at this day of one thousand

If either of said parties is not of full age of twenty-one years then in lieu of the words "of full age" his or her age shall be stated and the fact of consent of parent or guardian shall likewise be stated and if either of said parties shall have been married previously to the issuing of such license then in lieu of the words "never previously married" the number of times he or she shall have been previously married and the mode by which said prior marriage or marriages was or were dissolved shall be stated and if by divorce the cause for which such divorce shall have been granted. If either of said parties is under the age of eighteen years and a judge of the orphans' court shall have authorized the license to be issued then in lieu of the words "of full age" his or her age shall be stated and the fact that a judge authorized the license to issue shall likewise be stated in addition to the consent of a parent or guardian.

(b) The license shall have appended to it two certificates numbered to correspond with said license (one marked original and one marked duplicate) which shall be in form substantially as follows

I hereby certify that on the day of one thousand at and were by me united in marriage in accordance with license issued by clerk of the orphans' court of county Pennsylvania numbered
(Signed)
(Title of person solemnizing marriage)

Section 10 Forms Where Marriage Ceremony Performed by Parties to Marriage In all cases in which the

parties intend solemnizing their marriage themselves no such marriage shall take place until the clerk of the orphans' court shall certify their right so to do in a declaration in substantially the following form

To A B and C D No

Legal evidence having been furnished to me in accordance with law this certifies that I am satisfied that there is no legal impediment to you joining yourselves together in marriage

A B Clerk
In lieu of the certificate before set forth there shall be appended to such declaration two certificates numbered to correspond to the declaration of the clerk of the orphans' court in the following form

We hereby certify that on the day of one thousand nine hundred and we united ourselves in marriage at in the county of having first obtained from the clerk of the orphans' court of said county a declaration numbered that he was satisfied that there was no existing legal impediment to our so doing

A B
C D

We the undersigned were present at the solemnization of the marriage of A B and C D as set forth in the foregoing certificate

D E
E F

Section 11 Persons Qualified to Solemnize Marriages The chief justice of each justice of the Supreme Court the president judge and each judge of the Superior Court each judge of the court of common pleas judge of the orphans' court judge of a county court judge of a municipal court magistrate alderman justice of the peace mayor of any city and burgess of any borough of this Commonwealth and every minister priest or rabbi of any regularly established church or congregation is hereby authorized to solemnize marriages between such persons as produce a proper marriage license. Every religious society religious institution or religious organization in this Commonwealth may join together in marriage such persons as are members of the said society institution or organization or when one of such persons is a member of such society institution or organization according to the rules and customs of the society institution or organization to which they or either of them belong.

Section 12 Returns of Marriages The certificate marked "original" shall by the person solemnizing the marriage be duly signed and be given to the parties contracting the marriage and the certificate marked "duplicate" shall by the person or by a member of the religious society institution or organization solemnizing the marriage be duly signed and returned to the clerk of the orphans' court who issued the license within thirty days after the solemnizing of said marriage. If the marriage was solemnized by the parties themselves the certificate marked "original" shall be signed by the parties to the marriage and be attested by two witnesses and be retained by the parties contracting the marriage and the certificate marked "duplicate" shall be signed by the parties to the marriage and be attested by the same two witnesses and be returned to the clerk of the orphans' court issuing the same within thirty days.

The clerk of the orphans' court upon the reception of the "duplicate" certificate shall enter the same upon the marriage license docket with the marriage license application.

Section 13 Common Law Marriages Abolished Marriages Without License Void Exceptions (a) No common law marriage may hereafter be legally entered into in this Commonwealth and all such marriages hereafter entered into shall be null and void.

(b) No marriage may hereafter be entered into in this Commonwealth by virtue of any civil or religious cere-

mony whatsoever unless a license for such marriage is secured as required by this act and all such marriages hereafter entered into without proper license shall be null and void except as follows

(1) No marriage hereafter contracted shall be void by reason of want of authority or jurisdiction in the officiating person solemnizing such marriage if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married or either of them that they have been lawfully joined in marriage

Section 14 Marriages Within Degrees of Consanguinity and Affinity All marriages within the prohibited degrees of consanguinity or affinity as set forth in this act are hereby declared voidable to all intents and purposes but when any of said marriages shall not have been dissolved during the life time of the parties the unlawfulness of the same shall not be inquired into after the death of either of the parties thereto

Section 15 Marriages During Existence of Former Marriage If a person during the life-time of a husband or wife with whom a marriage is in force enters into a subsequent marriage pursuant to the requirements of this act and the parties thereto live together thereafter as husband and wife and such subsequent marriage was entered into by one or both of the parties in good faith in the full belief that the former husband or wife was dead or that the former marriage had been annulled or terminated by a divorce or without knowledge of such former marriage they shall after the impediment to their marriage has been removed by death of the other party to the former marriage or by annulment or divorce if they continue to live together as husband and wife in good faith on the part of one of them be held to have been legally married from and after the removal of such impediment

Section 16 Marriage of Persons Less than Eighteen Void Except by Special License A person less than eighteen years of age shall not have capacity to contract marriage except under authority of a license duly issued by a judge of the orphans' court pursuant to the provisions of section four clause (c) of this act Where either or both parties to a marriage are less than eighteen years of age and a license for such marriage was not secured under section four clause (c) of this act such marriage shall be null and void

Section 17 Preparation of Forms Applications for licenses to marry consent certificates statements of physicians and laboratories relative to examination for syphilis and marriage licenses shall be supplied to the clerk of the orphans' court by the county commissioners at the expense of the county and shall be uniform throughout the Commonwealth and forms thereof as prepared by the Department of Health shall from time to time be furnished to the several clerks of the orphans' courts of this Commonwealth

Section 18 Fees The fee to be charged by the clerk of the orphans' court in various counties for issuing a marriage license or declaration and for returns thereof to the Department of Health shall be two dollars and fifty cents two dollars of which shall be for the use of the clerk of the orphans' court of the county wherein such license is issued and fifty cents for the use of the Commonwealth Where either of the applicants for a license is under the age of twenty-one years and the consent of a parent or guardian is necessary as herein provided the clerk of the orphans' court shall receive for his own use an additional fee of fifty cents for recording the certificate of consent

All moneys collected by the said clerk for the use of the Commonwealth shall at the end of each month be transmitted to the State Treasurer to be placed in the general fund for the use of the Commonwealth

Section 19 Certified Copies of Records Evidence A certified copy of the record of a marriage license under the hand of the clerk of the orphans' court and the seal of said court or under the hand of the Secretary of Health and the seal of the Department of Health shall be received

in all courts of this Commonwealth as prima facie evidence of said marriage between the parties therein named

Section 20 Penalties (a) Any clerk of the orphans' court who shall wilfully issue a marriage license in any manner except as provided for in this act or who shall refuse or neglect to enter upon the marriage license docket any marriage license application or any marriage license issued from his office immediately after it is issued or to enter any consent certificate or authorization of a judge of the orphans' court or shall fail to keep the marriage license docket open for inspection or examination by the public or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket for the purpose of publishing the same in any regularly published daily or weekly newspaper shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs for each offense

(b) Any applicant for a marriage license physician or representative of a laboratory who shall misrepresent any of the facts described by paragraph (a) of section four of this act or any licensing officer failing to receive the statements prescribed by said paragraph or who shall have reason to believe that any of the facts thereon have been misrepresented and shall nevertheless issue a marriage license or any person who shall disregard the confidential character of the information or reports required by said paragraph or any other person who shall otherwise fail to comply with the provisions of said paragraph shall upon conviction thereof in a summary proceeding in the county wherein such offense was committed be sentenced to pay a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and the costs of prosecution and upon failure to pay such fine and costs shall be imprisoned not less than ten (10) nor more than thirty (30) days

(c) Any person solemnizing a marriage who shall neglect or refuse to return the "duplicate" certificate of marriage to the clerk of the orphans' court within thirty (30) days after the marriage was solemnized shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of fifty dollars (\$50.00) and costs

(d) If any person shall solemnize any marriage ceremony or shall be a party or an attesting witness to the same without the parties to the marriage having first obtained the proper license as provided for in this act he she or they so officiating contracting or attesting shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00)

(e) Any person who shall knowingly perform a marriage ceremony between parties when either of said parties is intoxicated shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of fifty dollars (\$50.00) or be imprisoned not exceeding sixty (60) days or both

(f) Any alderman magistrate or justice of the peace who shall knowingly insert or permit to be inserted any false statement in any application for marriage license or who shall make any false certification that the applicant named in such application was satisfactorily identified to him shall upon conviction in a summary proceeding be sentenced to pay a fine not exceeding fifty dollars (\$50.00) and costs

(g) All fines and penalties collected pursuant to this act shall be for the use of the county in which the marriage license was issued

Section 21 Statistics Each clerk of the orphans' court shall furnish the Department of Health not later than the tenth day of each month with a transcript or record of each marriage license issued and each return of the celebration of a marriage received or filed in his office during the preceding calendar month

The transcripts or records required to be furnished shall be made by the clerk of the orphans' court on forms prepared from time to time by the Department of Health and shall contain such information as the Department may require The forms so prepared shall be furnished

to the clerk of the orphans' court by the county commissioners at the expense of the county

The records so furnished to the Department of Health shall be public records open to inspection during business hours. The Department of Health shall from time to time compile and publish statistics from such records for public information.

Section 22 Short Title This act shall be known and may be cited as the "Marriage Law"

Section 23 The following acts and parts of acts are hereby repealed as specifically indicated

Sections five six and nine of the act approved the thirteenth day of March one thousand eight hundred and fifteen (P. L. 150) entitled "An act concerning divorces" so far as supplied by this act

Section two of the act approved the tenth day of April one thousand eight hundred and forty-nine (P. L. 549) entitled "An act to prevent the killing of deer at certain season in Union county and relative to marriage certificates" absolutely

Section four of the act approved the eighth day of May one thousand eight hundred and fifty-four (P. L. 663) entitled "An act to protect certain domestic and private rights and prevent abuses in the sale and use of intoxicating drinks" absolutely

The act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled "An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry" absolutely

The act approved the twenty-third day of May one thousand eight hundred and eighty-seven (P. L. 170) entitled "An act to amend section three of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the first day of May one thousand eight hundred and ninety-three (P. L. 27) entitled "An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini one thousand eight hundred and eighty-five relating to the county wherein to secure the license" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (P. L. 99) entitled "An act requiring clerks of orphans' courts to keep marriage license dockets open for inspection by the public and allow copies or abstracts of the same to be made for publication and providing a penalty for non-compliance" absolutely

The act approved the eighteenth day of June one thousand eight hundred and ninety-five (P. L. 202) entitled "An act to amend the first section of an act entitled 'An act to amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry'' approved the first day of May Anno Domini one thousand eight hundred and ninety-three relating to the county wherein to secure the license" absolutely

The act approved the twenty-fourth day of June one thousand nine hundred and one (P. L. 597) entitled "An act making it unlawful for first cousins to be joined in marriage and declaring all marriages contracted after the first day of January Anno Domini one thousand nine hundred and two in violation of this act void" absolutely

The act approved the twenty-seventh day of March one thousand nine hundred and three (P. L. 80) entitled "An act to further amend an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and five (P. L. 58) entitled "An act to further amend an act entitled 'An act relating to

marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June one thousand eight hundred and eighty-five empowering notaries public to inquire of parties intending to marry touching the legality of their contemplated marriage and administer oaths to them" absolutely

The act approved the sixth day of May one thousand nine hundred and nine (P. L. 446) entitled "An act to amend the first section of an act entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' approved the twenty-third day of June Anno Domini eighteen hundred and eighty-five by increasing license fees" absolutely

The act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled "An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court" absolutely

The act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 636) entitled "An act to amend section three of an act approved the twenty-third day of June one thousand eight hundred eighty-five entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' as amended" absolutely

The act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 494) entitled "A supplement to the act approved the twenty-third day of June one thousand eight hundred and eighty-five (P. L. 146) entitled 'An act relating to marriage licenses providing for officers herein indicated to issue licenses for parties to marry' imposing an additional license fee for the use of the Commonwealth" absolutely

The act approved the second day of May one thousand nine hundred and twenty-five (P. L. 494) entitled "An act fixing the fee to be charged for the issuing of marriage licenses" absolutely

The act approved the twenty-fourth day of March one thousand nine hundred and twenty-seven (P. L. 64) entitled "An act establishing the minimum marriageable age at sixteen years and providing for certain exceptions thereto" absolutely

The act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 152) entitled "An act to amend section one of the act approved the twenty-fourth day of July one thousand nine hundred and thirteen (P. L. 1013) entitled 'An act regulating the issuance of licenses to marry prohibiting the issuance of such licenses to certain persons regulating the time during which licenses shall be valid and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court and prescribing the duties of the clerk of the orphans' court' by requiring three days to elapse between the application for and the issuance of the license" absolutely

The act approved the seventeenth day of May one thousand nine hundred and thirty-nine (P. L. 148) entitled "An act regulating the issuance of marriage licenses prohibiting the issuance thereof to persons infected with syphilis in certain stages requiring each applicant to produce certain evidence of freedom from such disease imposing duties upon the Department of Health and the clerk of the orphans' court of the various counties and imposing penalties" absolutely

All acts and parts of acts inconsistent with this act are hereby repealed

Section 24 The provisions of this act shall become effective the first day of January one thousand nine hundred forty-two

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE. Mr. President, this bill is a bill that concerns itself with that ancient and primeval institution known as marriage. I think that we ought to be very cautious in dealing with that subject. That is a subject that, as I have stated, is as old as the world. We are told that God created the earth and all that is in it and then he created man, and after he was done with that, he felt that there was something missing and that which was missing was a companion for man, and so therefore we are told that he drew a rib from Adam and created a woman to be his companion, and the Bible records that she became the wife of Adam.

Now, I wish to appeal to those who believe in God and do believe in the testament and the Bible that here we have the first marriage ordained by God Almighty, and he did not require Adam and Eve to go to any clerk of the Orphan's Court for any license; he did not require them to submit to any test or examination of any kind, and from that day on, Mr. President, we can study holy writ, we can study the history of humanity, and we will find that for generations and generations, man took woman and in the presence of God, in the temples of God, declared the woman to be his wife and vice versa, and they became man and wife under the law of God, without going to any clerk of the Orphan's Court for a license so to marry.

Now, Mr. President, I want to be sincere about this matter, because I have a very keen and profound feeling of what this institution of marriage means to humanity. Upon marriage is predicated the home, and upon the home is predicated the nation. We can look back over these ages, centuries and centuries, and man and woman married without the necessity of a license being issued by anybody. We can look back to the history of our country and we will find that those brave men and brave women who hewed the wilderness and built the foundation of the nation and built this nation did not have to go to any clerk of the Orphan's Court to get a license to marry and create that home, that institution upon which they builded this nation—Washington and Jefferson and all of them—but the Temple of God, the church, did contain and it did hold the records that show in the presence of God these men and these women did unite themselves in marriage and remained man and wife and propagated the people that have protected this nation from then on.

I speak thus, Mr. President, because there seems to be a modern trend that the strength of the home, the virtue of a good home, depends upon the issuance of a worthless piece of paper. Mr. President, I would like to tell the people who might be confused with that idea that any home built upon the strength of a piece of paper is a very weak home, but the home that recognizes God, the home built upon the kind of marriages that God himself created from the beginning, is the home that has a foundation that will hold any nation.

Throughout the ages, Mr. President, mankind has recognized only marriages such as were originally created by God and it was not until many, many centuries after Adam and Eve, that society conceived that probably it was well to keep a record of the men and women who declared themselves husband and wife. The original

registry of them was in the church and then the civil authorities came in.

It was not the intention of those who made laws, passed laws requiring a certificate to marry, to alter the institution of marriage or it was not their intention by requiring a man and woman to take out a license that it would make for a more durable marriage and a better home, but it was solely for the purpose of having a record, a civil record showing what men and what women were married together.

In addition to that, Mr. President, and on that point may I further amplify that in the face of these marriage certificate laws, the courts of these United States and the courts of the world have always recognized marriage among English speaking people, among the Roman people and all the people, have been recognized as common law marriages, marriages which were not performed in the church, nor were they performed in a court, but marriages that arose because of the necessities and the circumstances surrounding the marriage, and especially were our courts particular about that part of the law of the English speaking people dealing with common law marriages.

That law was builded upon circumstances, upon the knowledge—the knowledge of humanity, and upon the cold hard facts of necessity; it was builded with a full knowledge of the laws of God. The common law marriage recognizes the fact that the original marriage was without a certificate and that according to the law of God man and woman would declare themselves husband and wife and truly remain so the rest of their lives.

This question of whether a marriage should be valid or should be recognized or not always arises after the parties to the marriage were dead and gone and innocent children had been left by them who were to fight over the inheritance, if any was left by the parents. That was the purpose of the law in upholding common law marriages. The statutes passed by legislatures were not statutes prohibiting the kind of marriage that God himself has ordained and recognized but merely it was a statute that required the performance of a ministerial duty, the same as we have the bureau of vital statistics. That bureau is a bureau that merely performs ministerial duties, they keep a record of events, and so it is with the marriage license laws of this Commonwealth and many other states of this nation, and in spite of those laws all of the courts of the United States have held common law marriages valid.

Mr. President, I am speaking thus and building my argument against voting for this bill because there is a section in this bill that seeks to abolish these common law marriages, this institution that has been known to the English speaking people and the people of all the world for centuries and centuries. I speak not in favor of the common law marriage, I speak not against abolition of it because of any insincerity, but because I feel that you can not abolish common law marriage on a piece of paper or in a legislative body.

Mr. President, where the common law marriage must be abolished is in the homes, and I have been amazed in watching the passage of this bill through this body to see the people who are interested in having it passed and no rhyme or no reason can cause them to relent or to see any wisdom or any justification in not abolishing common law marriages.

This bill is a bill that a group of people pride themselves as having written up and finally had introduced in this General Assembly. I do not speak unkindly of that group. That group represents a great group of mothers in this Commonwealth, but I do feel and I say this in all kindness to them, that I think here is no place for them. When we look over the history of our nation, if we go back to the last World War, the World War of 1917, with more than five million of the youth of these United States of America called to the colors, how many of them were rejected as being physically unfit? Match that score with what is happening today, what the cold facts show to us today in this present emergency that we are in under this national conscription law. We are told that approximately fifty per cent of our youths that go to those draft boards are turned down—turned down as unfit, unfit to be a part of the armed forces because of something that is wrong with their eyes, with their teeth, with their hearts or with their feet.

Statistics do not show it is because of syphilis or anything else but statistics show that there is something wrong somewhere in our nation, and whenever people do not have good eyes, when they do not have good teeth, when they do not have good hearts and stomachs, good feet, there is something wrong, in my opinion, in the home; there is some deficiency in the homes of America, something that we had better pay some attention to.

I honestly and sincerely believe that a lot of these women, a lot of these mothers who are down here today fighting to abolish an institution that has been with man ever since man was created, if they were home taking care of those homes, making better homes, we would have better men in this United States of America, we would not have this high percentage of draftees turned down if these women would be more interested in the home than down here trying to tell us how to legislate.

Mr. President, the only argument in fact this good body of women put up that we must abolish the common law by force or statute is they say it is a health measure, to try to eradicate syphilis from this Commonwealth, from this state. If that is all they are interested in—I tried my level best to reason with them—and if that is the only thing they have in mind we could very well abolish that by amending this bill. Section 13, by making it read like this, page 14 of the bill:

"No common law marriage may hereafter be legally entered into in this Commonwealth, and all such marriages hereafter entered into shall be null and void unless at the time such marriage is contracted the parties thereto exchange one with the other a statement of a duly licensed physician as required by clause F, Section 2, of this act."

That is the most that anybody could ask, if their purpose was to guard against the marriage of one with syphilis but, Mr. President, even in the face of that these women will be highly disappointed in this matter because you can not prevent men and women from pursuing the law of God. Men and women were made to be companions, they are going to be companions, and if you try to keep them apart by a mere piece of paper, by statute, they will find ways of getting together and we will still have children of those people that you say should not be married. Those children will still be with us and I ask you the honest question, assuming that we will abolish the common law marriage as put forth in this bill, men

and women will still cohabit, they will pay no attention to this act but will continue to follow the human equations as they have for centuries and centuries; they are going to get together and they are going to have children.

Now, Mr. President, these parents will die off and the only thing we have left are the children. Whom is this act penalizing? Does it penalize the people that you say should not have been married or does it penalize innocent beings, beings upon whom God Almighty has said that he will visit the iniquities of the parents upon the children even unto the seventh generation, and who are these mothers and who are you and I who would add to that punishment by stigmatizing them with bastardy and saying you shall not inherit from your parents because you were born out of wedlock?

Now, to sum up, Mr. President, my argument may not sound very concerted but I am sincere in this because I am an attorney and I do follow the legal profession and I know to what extent this institution that we call the common law marriage is rooted in the jurisprudence of the world, and here by a mere scrap of paper we are going to undertake to abolish that institution.

I would be in favor of abolishing it if by passing a bill it would prevent men and women from cohabiting together as husband and wife and propagating children, children who are to be the future citizens of this Commonwealth and this nation, but I say to you it is futile, it is futile to try to legislate by paper against something that God Almighty has founded in his laws, the thing which God Almighty made men and women for, to cohabit together, to be companions and to propagate the human race, and here we poor mortals are assembled here today, being urged on by a group of women who would be better off in their homes, improving the conditions around their homes, but who are here trying to tell us how to legislate. We would be better off if they would stay at home and I am sure there is no man in this body so debased and so demoralized that when this subject is put fairly before us that we can not consult our Christian souls, our Christian minds and our Christian hearts, and formulate a bill and pass a bill consistent with what is right, but I say to you that this bill is godless in its provision; this section that seeks to abolish the common law marriage is not founded on the laws of God but is merely the product of narrow-mindedness, bigotry and fanaticism, because human experience ought to be sufficient to warn you and I that you can not prevent men and women from cohabiting together.

Mr. President, I would vote for this bill, I would even take a chance on it, if they would have included in it a severe penalty for men and women who cohabit together as man and wife without taking out a license. I would take a chance that the knowledge of the severity of the punishment might deter men and women from cohabiting together, the same as we passed a law saying that a man found guilty of murder of the first degree shall be punished by death or by life imprisonment. We can not prevent men and women from committing murder. We have passed laws inflicting the death penalty but still they continue to murder and this proposition before us, Mr. President, is the same kind of a proposition; you can legislate but you will never prevent men and women from joining together and propagating the human race, whether they do it in the temple of God, or whether they

do it out on the ocean or at the north or south pole, that is going to continue to go on.

You have no penalty in this bill for them doing so, and this is simply something that is going to cause us trouble in time to come. You are not punishing the two individuals that are guilty but you are going to visit upon the offspring of this union a punishment that I say to you godly people ought to feel that is more than God would want to inflict.

Mr. WOODWARD. Mr. President, the Senator from Fayette made one mistake in his eloquent address which I would like to call to his attention: when our first parents were in the Garden of Eden, starting at scratch, an Orphan's Court at that time would have been as superfluous as the Common Pleas Court No. 7 is at this time in Philadelphia.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barr,	Detrick,	Mallery,	Tallman,
Bartlett,	Ealy,	McQuiddy,	Taylor,
Becker,	Edmonds,	Miller,	Thomas,
Carr,	Farrell,	Reed,	Tyler,
Chapman,	Geltz,	Ruth,	Walker,
Coleman,	Heyburn,	Scarlett,	Wilson, H. I.,
Cox,	Homsher,	Snowden,	Wilson, T. B.,
Cridler,	James,	Stevenson,	Woodward,
Crowe,	Kephart,	Stiefel,	Ziesenheim,

NAYS—4

Cavalcante,	DiSilvestro,	Jaspan,	Lanius,
-------------	--------------	---------	---------

PRESENT—1

McCreesh,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 730, (House Bill No. 647), on third reading, entitled:

An Act relating to the bonds to be given by county officers their deputies clerks and assistants in counties of the second class the amount and conditions thereof, the sureties for such bonds, the payment of the premiums, therefor, and the recording and custody thereof.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COX. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. COX. Mr. President, I desire to ask my colleague from Allegheny what is his purpose in requesting that Senate Bill 730 be placed on the postponed Calendar?

Mr. GELTZ. Just to allow a few of these bills to cool off, Mr. President, for a little while.

Mr. COX. Mr. President, I do not care to interrogate the gentleman any more but I would like to make some remarks relative to the necessity of passage of this bill for the county of Allegheny.

I am sure the county of Allegheny has not very much time to cool off. It just so happens that in the office of the prothonotary of Allegheny county, the office of the clerk of the Courts and the office of the register of wills, there are many employes who handle money under the present status of the law and the clerk of the Courts, the register of wills and the prothonotary are not authorized to bond those men.

The result, of course, has been that we have found something must be done in order to insure the funds of those various offices and this simple little bill has that desired effect.

Mr. REED. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Cox.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. COX. I will, Mr. President.

Mr. REED. Mr. President, I desire to ask the gentleman from Allegheny who is to pay the premium on those bonds?

Mr. COX. The premium on those bonds will be paid by the county of Allegheny. At the present time the premiums on the bonds are paid by the individuals who are bonded. For instance, in the office of the Clerk of Courts of Allegheny County there are six county clerks who handle money. There is no provision in the law which would permit the county of Allegheny to pay for the bonds.

Mr. REED. And this bill will require the county to pay the premiums for the bonds of those various employes; is that right?

Mr. COX. That is exactly right. The premiums, I think, total the grand sum of one hundred fifty dollars a month.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 813, (House Bill No. 896), on third reading, entitled:

An Act authorizing county commissioners to sell seated and unseated lands purchased at tax sales, upon which the period of redemption has expired; and validating certain sales heretofore made

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. BARR. Mr. President, is the gentleman from Allegheny, Mr. Geltz, interested in the government of Allegheny County?

Mr. GELTZ. Mr. President, I consider that an impertinent question.

Mr. BARR. Mr. President, it is just as impertinent as the answer the gentleman from Allegheny made to our colleague from Allegheny, Mr. Cox.

The PRESIDENT. The gentleman from Allegheny will confine himself to the motion.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. BARR. Mr. President, I desire to be recorded as voting "no."

The PRESIDENT. The vote of the gentleman from Allegheny will be so recorded.

REQUEST THAT SENATE BILL No. 859, (HOUSE BILL No. 724), BE POSTPONED

Mr. GELTZ. Mr. President, I request that Senate Bill No. 859, (House Bill No. 724), be placed on the postponed Calendar.

Mr. COX. I object, Mr. President.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 859, (House Bill No. 724), on third reading, entitled:

An Act to further amend section 363 of the act, approved May second one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," and further regulating the form and contents of county auditors reports

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 891, (House Bill No. 253), entitled:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. JAMES. Mr. President, I ask unanimous consent to offer the following amendments: Amend section 1, page 2, line 1, by insertnig after the word "sworn" and before the word "they" the following: "and displaying a badge of authority"; amend section 3, page 2, line 22, by inserting at the end of the line the following: "display a badge of authority and shall"; amend section 3, page 2, line 25, by inserting at the end of the line the following:

"or if none of a member of the Pennsylvania Motor Police".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 947, (House Bill No. 310), as follows:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eight hundred ninety thousand dollars (\$890,000) or as much thereof as may be necessary is hereby appropriated out of the General Fund to the State Veterans' Commission for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment of traveling expenses and other authorized disbursements of the commission salaries wages and expenses of its employes and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geitz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Walker,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanlus,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 959, (House Bill No. 572), as follows:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums or as much thereof as may be necessary for deficiencies in certain appropriations made to the Department of Forests and Waters Department of Property and Supplies Department of Public Instruction and Department of Revenue by the act to which this is a supplement are hereby specifically appropriated to such departments as follows

To the Department of Forests and Waters

For the payment of the deficiency in the appropriation for the payment of expenses incurred for the extinction and control of forest fires the sum of and to reimburse the Forests and Waters Fund for expenditures made for extinction the sum of eighty-five thousand dollars (\$85,000)

To the Department of Property and Supplies

For the payment of the deficiency in the appropriation for the cost of printing and distributing records of the proceedings of the conventions of the Departments of Pennsylvania of the Grand Army of the Republic the United Spanish War Veterans the Veterans of Foreign Wars of the United States the American Legion and the Disabled American Veterans of the World War as provided by law the sum of six thousand six hundred ninety dollars (\$6,690)

For the payment of the deficiency in the appropriation for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judicial Department for the payment of costs including delivery expenses of documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the General Assembly in accordance with law the sum of two hundred thousand dollars (\$200,000)

To the Department of Public Instruction

For the payment of the deficiency in the appropriation for the payment of the salaries of assistant county superintendents of public schools and supervisors of special education as required by law the sum of sixteen thousand four hundred twenty-eight dollars (\$16,428)

For the payment of the deficiency in the appropriation for reimbursement to the school districts for transportation of school children as required by law the sum of one million one hundred forty-eight thousand eight hundred fifty-three dollars (\$1,148,853)

For the payment of the deficiency in the appropriation for reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of three million dollars (\$3,000,000)

To the Department of Revenue

For the payment of the deficiency in the appropriation

for the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of twenty-two thousand dollars (\$22,000)

For the payment of the deficiency in the appropriation for the payment of mileage of appraisers of mercantile and other license taxes the sum of four thousand dollars (\$4,000)

For the payment of the deficiency in the appropriation for the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of two thousand two hundred dollars (\$2,200)

LEGISLATIVE DEPARTMENT

To the Senate

For the payment of the mileage of fifty Senators session of one thousand nine hundred and forty-one the sum of twenty-five hundred dollars (\$2,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and forty-one also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in the act to which this is a supplement the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary for the duration of the session of one thousand nine hundred and forty-one and the period of time necessary to complete the work of such session

TO THE HOUSE OF REPRESENTATIVES

For the payment of the mileage of two hundred and eight Members of the House of Representatives, session of one thousand nine hundred and forty-one the sum of ten thousand dollars (\$10,000)

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and forty-one also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in the act to which this is a supplement the sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary for the duration of the session of one thousand nine hundred and forty-one and the period of time necessary to complete the work of such session

Section 2 Except as hereinafter provided this act shall become effective on the first day of June one thousand nine hundred and forty-one

Of the appropriation made available in this act to the Department of Forests and Waters fifty thousand dollars (\$50,000) shall become effective on the final enactment of this act

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,

Chapman,
Coleman,
Cox,
Crider,
Crowe,
Detrick,
Dent,

Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Miller,
Reed,
Ruth,
Scarlett,
Snowden,
Stevenson,

Walker,
Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

MOTION TO PROCEED WITH HOUSE BILL ON SECOND READING

Mr. CAVALCANTE. Mr. President, I move that the Senate do now proceed with the second reading house bills.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 472, (House Bill No. 690), entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal Section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians and the riding of animals upon the highways of this Commonwealth, providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles and garage keepers providing that records are admissible as evidence, imposing upon owners counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles, imposing penalties imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles.

On the question,

Will the Senate agree to the bill on second reading?

Mr. MALLERY. Mr. President, I desire to offer the following amendments.

The Clerk read the amendments as follows:

Amend bill, page 23, by inserting between lines 2 and 3, the following:

Section 10. Subsection (c) of section one thousand two

of said act, as last amended by the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (P. L. 1135), is hereby further amended to read as follows:

(c) Subject to the provisions of subsections (a) and (b) of this section, it shall be unlawful for the following kinds, types, and classes of vehicles to be operated at a greater speed than hereinafter provided.

Commercial motor vehicles and truck tractors R class, fifty miles per hour.

Motor buses and omnibuses, forty-five miles per hour.

Commercial motor vehicles and truck tractors S, T and U classes, forty miles per hour.

Commercial motor vehicles and truck tractors V and W classes, thirty-five miles per hour.

All other commercial motor vehicles and truck tractors, thirty mile per hour.

All combinations of commercial motor vehicles or truck tractors and trailers or semi-trailers, thirty miles per hour.

None of the vehicles, the maximum speed of which is fixed by this sub-section shall be operated on the highway at a speed of less than fifteen miles per hour except when starting or coming to a stop and if for any unavoidable reason the speed of any such vehicle shall be decreased to less than fifteen miles per hour such vehicle shall, upon signal from the driver of any following vehicle, pull to the side of the highway and allow any following vehicle or vehicles to pass.

Amend sec. 10, page 23, line 3, by striking out the numeral "10" and inserting in lieu thereof, the following: "11".

On the question,

Will the Senate agree to the amendments.

Mr. MALLERY. Mr. President, I simply want to explain to the Senate just what this amendment does or hopes to do, which is to promote more safety on the highways. I do not think there is anything more dangerous than any vehicle. whether it is a truck or whether it is a private pleasure car, that can not negotiate a hill at any more than four or five miles an hour, when we have such conditions existing, especially on Sundays or at times when there is a great deal of traffic on the road, when people anxious to get some place will pull out of line and come into a head-on collision with some other motor vehicle coming down the hill.

Now, Mr. President, all this amendment would do would be to require any motor vehicle to be able to travel at least fifteen miles an hour. The amendment is also fair in that if there is any kind of a mechanical disturbance he can signal to the party in the rear and, as soon as opportunity presents itself, pull off on the berm and let traffic that can travel at reasonable rates proceed on its way.

Mr. WALKER. Mr. President, I desire to interrogate the gentleman from Blair.

The PRESIDENT. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. Yes, Mr. President.

Mr. WALKER. I desire to ask the gentleman from Blair whether it is not true that at the present time there are tractor-trailer units that can not travel at the minimum speed suggested by the gentleman from Blair.

Mr. MALLERY. Mr. President, I do not know what rate of speed tractor-trailer units travel at.

Mr. WALKER. Mr. President, I would like to suggest to the gentleman, under the present act, regardless of the final disposition of House Bill 690, there are tractor-trailer units which would be seriously inconvenienced or eliminated by the minimum speed that has been placed in this bill. I also suggest to the gentleman from Blair if it is not true this is the first time in any safety code a minimum speed rather than a maximum speed has been inserted.

Mr. MALLERY. It may be something novel, Mr. President.

Mr. WALKER. It is very novel, Mr. President.

Mr. MALLERY. But I believe it is a worthwhile amendment.

Mr. WALKER. I would also like to suggest, Mr. President, the amendment as I gather it is to a section of the act, which is not included in the amendments incorporated in House Bill 690; is that not so, Senator?

Mr. MALLERY. Mr. President, I do not understand the Senator's question.

Mr. WALKER. Mr. President, I asked the gentleman from Blair if it is not so the amendment which he is offering it an amendment to a section of the act that is not incorporated in the amendments that are accomplished by House Bill 690.

Mr. MALLERY. I am sorry, Mr. President; I can not state whether that is so or not.

Mr. WALKER. Mr. President, as I followed the amendment as it was read by the Clerk, it is a section of the act which is not included in the amendments offered to House Bill 690 and I would like to suggest to the gentleman from Blair that in my opinion the minimum rate of speed which he has suggested will seriously inconvenience the trucking industry in the discharge of their responsibilities.

It is somewhat of a hackneyed phrase in this present Session of the Legislature to mention national defense, because as we have said repeatedly we are even milking our cows under the guise of national defense, but I think the proposed amendment of fifteen miles an hour as a minimum speed would not serve the purpose that the gentleman desires. The trucks that he suggests which go at a low rate of speed could be pulled over now on the highway and so permit pleasure cars and faster moving vehicles to pass, and that is take care of under the present code and the amendment suggested for imposing a minimum rate of speed in my opinion is rather superfluous.

Mr. MALLERY. Mr. President, I was not thinking of national defense when I offered this amendment, but if those trucks we are going to depend upon for national defense can not travel any more than fifteen miles an hour why then we are in a bad way.

Mr. COLEMAN. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. Yes, Mr. President.

Mr. COLEMAN. I meant, Mr. President, I desire to interrogate the sponsor of the amendment, the Senator from Blair.

The PRESIDENT. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. Yes, Mr. President.

Mr. COLEMAN. Mr. President, I did not hear the reading Clerk correctly and I do not know whether or

not the title was amended. Is there any amendment to the title of this bill?

Mr. MALLERY. I do not know, Mr. President, beyond the thought I had in mind which I communicated to Mr. Frey. What paragraph of the bill would amend the title, frankly I cannot say.

POINT OF ORDER

Mr. COLEMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna will state his point of order.

Mr. COLEMAN. Mr. President, I am rising to the point of order that the gentleman is including some subject matter in the bill which is not clearly expressed in the title. Without going into the question of the merits of the amendment proposed, my impression is before this amendment can be put in the bill the title must likewise be amended to indicate the subject matter the gentleman proposes to include in the bill.

Mr. GELTZ. Mr. President, I suggest we proceed with the Calendar. I believe there is nothing before the Senate. There was no seconding of any motion.

Mr. MALLERY. Mr. President, I asked unanimous consent to introduce an amendment and I heard no objection.

The PRESIDENT. The gentleman from Lackawanna inquired of the gentleman from Blair whether there was an amendment to the title. The question before the Senate is the adoption of the amendment as read.

Mr. CARR. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. With pleasure, Mr. President.

Mr. CARR. Mr. President, I would like to ask the gentleman from Allegheny, Mr. Walker, whether he has received communications favoring passage of a bill covering high weights, in which it was indicated if higher weights were granted the slow moving tractors and trailers would be removed from the road by getting power units able to haul over our hills at a reasonable rate of speed.

Mr. WALKER. Mr. President, may I answer the gentleman from Butler by saying I have received communication favoring the passage of House Bill No. 690, and there have been statements made by the proponents of the bill that the higher power units would be able to take care of the additional weights requested in the bill. I do not know whether or not that completely answers the gentleman's question.

Mr. CARR. I think that is the answer, Mr. President. I should like to further interrogate the gentleman from Allegheny.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. WALKER. Still with pleasure, Mr. President.

Mr. CARR. Mr. President, I desire to ask the gentleman from Allegheny, Mr. Walker, as a Senator and not as a lawyer, as to whether or not in view of his connection with the trucking interests as their attorney, and my connection with the Pennsylvania Railroad as an employe, whether under the Constitution that would prohibit either one of us from voting on this proposition.

Mr. WALKER. Mr. President, in answer to the gentle-

man from Butler, it is a well known fact that we are both deeply interested in this bill. I am deeply interested in it because as a lawyer I represent a number of trucking companies and I understand from first hand information the gentleman from Butler is an employe of a rail carrier, and may I say to him, for what it is worth, in my opinion that does bar either the gentleman from Butler or myself from voting on this bill. As I understand from my interpretation of the Constitution there must be a direct benefit and I do not think either one of us will benefit directly from this. May I refer the gentleman from Butler to the very complete report of the Committee on Judiciary General of the House in regard to House Resolution No. 9, which has been placed on the desks of the members of the Senate? I think that question of interest, personal interest, in legislation was very carefully gone into and I think the conclusions arrived at are correct and I think the conclusions arrived at would permit both of us to vote on this bill.

May I further say to the gentleman from Butler that if lawyers are barred from voting on bills merely because they represent clients, there are a lot of us that have transgressed repeatedly and there are lots of bills many of us could not vote on at all and I do not think an interpretation of the Constitution extends that far.

Mr. CARR. May I say to the gentleman from Allegheny, Mr. Walker, I have read the very apt conclusion which the gentlemen of the House Committee on Judiciary General arrived at in connection with this matter, and I thank the gentleman from Allegheny for his free legal advice, concerning his predicament and mine.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Walker.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. WALKER. It is still a pleasure, Mr. President.

Mr. CAVALCANTE. Mr. President, I presume that the gentleman from Allegheny, Mr. Walker, has received the same literature the other Senators of this Senate have received over the course of the last two months relative to this bill. Among that literature have been reports, very voluminous some of them, some of them have forty or fifty pages. Daily those reports have been coming in.

Will the gentleman from Allegheny, Mr. Walker, tell us who is furnishing the money to circularize the propaganda to the Senate and House members on this bill?

Mr. WALKER. Mr. President, my answer to the gentleman from Fayette, of course, comes second hand—I know it did not come from me and I know it did not come from the gentleman from Fayette.

Mr. CAVALCANTE. I am positive of that, Mr. President.

Mr. WALKER. Mr. President, may I suggest the propaganda which I have received on both sides of this very controversial question probably weighs in the neighborhood of a ton apiece and I am assuming those who are interested in the trucking industry furnished the propaganda on the one side and the rail carriers furnished the propaganda from the other side. There may be disinterested people who get enthusiastic about legislation who have furnished some cards, but they would be in the minority. I am assuming both sides have paid their printing bills and have sent the material to us.

Mr. CAVALCANTE. Mr. President, I thank the

gentleman from Allegheny for his explanation.

I am inclined to agree with the amendment offered by the gentleman from Blair, Mr. Mallery, for this very simple reason: most of the arguments in favor of this bill are predicated upon a commercial, a material consideration, without regard that the public highways of this Commonwealth must be used by humanity also, by men, by women who do not haul big loads on those great big trucks loaded down with tons and tons of materials, and I really think that the gentleman from Blair, Mr. Mallery, has that in mind, and his amendment speaks of that very proposition. He is trying to at least regulate the speed and the manner by which these heavy loads are going to be dragged over our highways.

Certainly poor puny man in the presence of a fifty thousand pound load or probably more than that ought to have some protection, some show, and I think this amendment has humanity in view and I do think that if we should continue to drive over these highways the big trucks ought to be regulated to some degree; I think there ought to be some safety for us on the highways.

Mr. MALLERY. Mr. President, I do not want to prolong the debate on this bill and I concede that there are people in the Senate who are rightfully interested on both sides of this question, but I do want to assure the members of the Senate that I am sincere in presenting this amendment. If the bill is going to pass then I think it should pass in proper form. Safety on our highways is something that I have been interested in from the time I first came to the Senate. In 1935, I presented a highway safety commission bill, which was voted upon favorably by every member of the Senate, and when it went over to the House there was only one person that voted against it there. The Governor saw fit not to sign the bill because he said the matter was being adequately taken care of.

In 1939 I introduced a similar bill which was voted upon favorably by everyone in the Senate, with the exception of one Senator, and it went over to the House and died in committee, but the Governor did do one thing and that was to fix immediately a speed limit of fifty miles an hour on the highways. I think that was a mighty good ruling. When we came to increasing the speed on the new super highway it was with a great deal of hesitation that I gave my support to that bill, but on the other hand, I think that any motor vehicle, whether it is a pleasure car or a truck, can be just as much a menace on the highway by traveling at a rate of four or five miles an hour, especially on up-grades.

And the question recurring.

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. MALLERY and Mr. CARR, and were as follows, viz:

YEAS—5

Carr, Cavalcante,	Mallery,	Reed,	Ruth,
----------------------	----------	-------	-------

NAYS—36

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Walker,
Crider,	Heyburn,	Scarlett,	Watkins,
Crowe,	James,	Snowden,	Wilson, H. I.,
Deitrick,	Jaspan,	Stevenson,	Wilson, T. B.,
Dent,	Kephart,	Stiefel,	Ziesenheim,

So the question was determined in the negative.
 And the question recurring,
 Will the Senate agree to the bill on second reading?
 It was agreed to.
 And said bill having been read at length the second time, and agreed to,
 Ordered, To be transcribed for a third reading.

BILLS ON SECOND READING

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 702, (House Bill No. 752), entitled:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities.

And said bill having been read at length the second time and agreed to,
 Ordered, To be transcribed for a third reading.

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 758, (House Bill No. 727), entitled:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway, and providing for their construction and maintenance by the Commonwealth, subject to certain terms and conditions.

And said bill having been read at length the second time and agreed to,
 Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 836, (House Bill No. 1438), on second reading, entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 837, (House Bill No. 1439), on second reading, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed or done with reference thereto

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 922, (House Bill No. 900), on second reading, entitled:

An Act to promote interstate cooperation for the conservation and protection of water resources in the Delaware River Basin

be recommitted to the Committee on Public Health.

Mr. EALY. Mr. President, I second the motion.
 The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 941, (House Bill No. 276), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the second time and agreed to,
 Ordered, To be transcribed for a third reading.

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
 The Senate proceeded to the second reading and consideration of Senate Bill No. 974, (House Bill No. 1167), entitled:

An Act to amend section three hundred seventeen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" changing the provisions of said act as to the right of residents to hunt and trap without a license.

And said bill having been read at length the second time and agreed to,
 Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. CROWE. Mr. President, I move that further consideration of Senate Bill No. 974, (House Bill No. 1167), on third reading, be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.
 The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,
 The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 989, (House Bill No. 1463), entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rental and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 989, (House Bill No. 1463), the bill just read, be recommitted to the Committee on Appropriations.

Mr. EALY. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1031, (House Bill No. 1346), entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. DEITRICK. Mr. President, I ask unanimous consent that Senate Bill No. 1052, (House Bill No. 849), on second reading, entitled:

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmaster's certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties

go over in its order.

The PRESIDENT. Is there objection?

Mr. JASPAN. Mr. President, I desire to interrogate the gentleman from Northumberland.

The PRESIDENT. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Yes, Mr. President.

Mr. JASPAN. Mr. President, I desire to know why the Senator from Northumberland asked that this bill go over in its order.

Mr. DEITRICK. Mr. President, I think this is a bill which is very vital to the people of my particular district.

Mr. JASPAN. I did not hear the answer of the gentleman.

Mr. DEITRICK. Mr. President, I think the provisions of this bill are very vital to my particular district, and there seems to be some things in there that have to be amended before the bill should pass so that it would not work so badly against Northumberland County.

Mr. JASPAN. Mr. President, I take it that the gentleman from Northumberland has some amendments in mind.

Mr. DEITRICK. I have, Mr. President.

Mr. JASPAN. Have they been drawn up as yet, Mr. President?

Mr. DEITRICK. No, they have not, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Warren, will state his question of personal privilege.

Mr. CHAPMAN. Mr. President, newspapers tell us that less than 2500 grizzled veterans of the Civil War listened to the muffled drums and saw the flying flags on Friday last when Memorial Day was observed throughout the Nation. It was a proud observance, although tinged with memories that tugged at heart strings and caused a tear to trickle down the cheeks. The massed flags, the skirling bands and the marching feet all proclaiming to the world that Uncle Sam does not forget his armies of blue, gray, khaki and the naval blue, and as I stood watching the ranks march by, I had pass through my mind that old saying of Hamlet "We know we are; but know not what we may be."

All too secure in our wave-locked nation we feel. Most of us by years of fat living have come to regard the position of the United States as impregnable and unassailable. Prone to be a nation of easy livers, we are not hardened to sacrifice. Even in the depths of the depression, from which we are awakening, due to the defense program, we did not sink to the depths in which most of the people of Europe know as their normal stage of life. We continued to enjoy our radios, our homes, our automobiles and our amusements, and with the swelled payrolls of the plants engaged in defense work, we are further blinded to the dark days which I feel we are entering.

There must be an about face. President Roosevelt in his radio speech last Tuesday proclaimed that to all of us. More people heard that speech perhaps than had ever listened to my speech since Edward, King of England renounced his throne for "The woman I love." But President Roosevelt did not speak in the halting, emotion

choked tones of Edward. His voice was that of the finished orator, speaking in ringing tones. The Commander-in-Chief of the armed forces of the nation had in his voice more depth, more sincerity and more conviction than in any speech I have ever heard him make. Round the world on short wave it traveled. Into the halls of the despots it rolled, telling them in no uncertain words that we will have none of the dictators. To Hitler, Mussolini and the Emperor of Japan it carried defiance.

The speech was worthy of the diplomatic audience that heard it in person and the world wide radio listeners. It was written with all the art of great speech maker. It marked another forward step of the entry of our nation into the bloody conflict that is raging. To the interventionists it was a disappointment; to the isolationists it was a disappointment. One group hoped for words that would spell convoys, troops sailing for Dakar, the Azores and other strategic places. To the Tories it failed to exhibit a more cautious and restrained attitude toward war.

To me the speech was a fire brand that surely will ignite the flames of war for our nation. But let us pray that the entry into the war must be delayed for at least another year. At the present time we are unprepared even after a year of appropriations, plans and discussions. Our war effort is bungled and we are not getting the tanks, guns, planes and equipment. Our armies are as yet not wholly trained. You cannot turn out a well organized army in one year. And in the camps of the nation there are few tanks, guns, planes and equipment with which to train our boys. We cannot become familiar with the operation of mechanized war material that is "on order."

We hear our leaders prate of "priorities to come," "civilian needs," etc., but if war is close to our doors, there should be a thumbs-down on talk and a thumbs-up on action.

If the war entry can be delayed until the Fords of the nation get into action, we will wax stronger as Hitler's might wanes. Recently a speaker before a group here said that "Hitler was building more airplanes than the United States and England together." If that is true, we must redouble our efforts. And it can be done if there is a singleness of purpose and oneness aim.

Our one, and one-half ocean navy is growing and from our shipyards will pour forth during the next year, an ever increasing stream of destroyers, submarines and fighting ships as well as merchant vessels. Efforts here must be augmented.

Into our army camps are pouring more and more men but they are untrained and unarmed. Our new army rifles are not coming as they should, and the Colt Arms Company has felt the loss of thousands of man hours due to strikers slowing down the wheels of the industry. Strikes must go. President Roosevelt who has built his vast power on the foundation of "labor" must see that his friends do not ruin our nation with their struggle for power and bigger wages.

Crete now has fallen to the German forces but at a terrific cost. Huge quantities of material were lost, masses of the young German soldiers have died in the struggle.

But with every triumph Hitler is growing weaker. His power was at its crest after the fall of France. He is still strong. But his forces are scattered and each new conquest stretches his lines of communication. No matter

how thorough the planning of the Germans is, in their campaigns the fact is still true that an army marches on "its belly" and gasoline has now been added to the needs of conquering hordes.

His conquest of Yugo-Slavia and Greece have weakened him. His armies of occupation are ringed by a circle of enslaved peoples in whose hearts is black hate for the goosestepping Germans. His soldiers occupying the conquered nations are growing homesick and war weary. The short war that Hitler promised is growing into a longer one. Napoleon had strong armies of occupation but weariness and longing for home sapped the strength of the fighting men and had a dire effect on the troops.

Years will elapse before peace comes. I anticipate that this war will be a longer one than the last World War. Ten years may elapse before the forces of the dictators are beaten down.

And in an effort to shorten this conflict we must become accustomed to hardships. We must forego our luxuries. Simple life will make us strong and into each heart must come the conviction that individuals must sink their identity into that of the whole nation for victory.

The spectacle of politics being played in the nation's capitol in the war effort is, heart rending. The idea of making the lives, liberties and homes of the people of the United States footballs in the political arena is something that must be stopped.

In long hours of the night I have given thought to the things being done at Washington. Contracts to favorites, pats for men who are in a struggle for power, hamstringing the armament program and bickering and purgings in high places. The high sounding phrases of the President's speech are not in harmony with the actions of his coterie handling the situation.

I have pondered carefully his words and I can't make out how much responsibility he feels for the world as compared to the responsibility he feels for his own country.

I quote: "We will not accept a Hitler dominated world. We will not accept a world, like the post war world of the 1920's, in which the seeds of Hitlerism can again be planted and allowed to grow. We will accept only a world consecrated to freedom of speech and expression—freedom of every person to worship God in his own way—freedom from want, and freedom from terror. Is such a world impossible of attainment?"

I do not know whether or not such a world is impossible of attainment but I do know that unless our nation marches in unison and its strength is conserved and made available, victory may not be attained and Hitler may be triumphant.

RESOLUTION RECALLING SENATE BILL No. 345 FROM THE GOVERNOR FOR THE PURPOSE OF AMENDMENT

Mr. CRIDER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 3, 1941.

Resolved (if the House of Representatives concur),

That Senate Bill No. 345, Printer's No. 222, entitled "An act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVED AND SIGNED SENATE BILL No. 329

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 329, Printer's No. 290, entitled "An Act to amend clause (a) of section twenty of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' fixing the time of day that the open season shall begin for charr, commonly called brook trout and any species of trout except lake or salmon trout and prohibiting any fishing whatsoever in certain stocked streams for a prescribed period prior to the hour when such open season begins."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 223

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 223, Printers No. 218, entitled "An Act to amend section four of the act approved the twenty-eighth day of May one thousand nine hundred thirty-seven (P. L. 1019), entitled 'An act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes' changing the effective date of laws affecting budgets of political subdivisions."

ARTHUR H. JAMES.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 309, (House Bill No. 312), entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation", by providing for furnishing artificial limbs to children over ten years of age.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 340, (House Bill No. 238), entitled:

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 680, (House Bill No. 869), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L., First Extraordinary Session, 47) entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgages; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 686, (House Bill No. 598), entitled:

An Act requiring the council of cities of the Second Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, (House Bill No. 1257), entitled:

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 903, (House Bill No. 1295), entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for additional members of certain civil service boards.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 963, (House Bill No. 861), entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending, and changing the law relating thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 964, (House Bill No. 940), entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate moneys for the support of hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the main-

tenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof"; providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point on one hundred and forty degrees Fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1067, (House Bill No. 1232), entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 4, 1941, at 2:00 o'clock p. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

The Senate adjourned at 5:26 o'clock, p. m., Eastern Standard Time, until Wednesday, June 4, 1941, at 2:00 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, June 3, 1941.

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Almighty God, we praise Thee for the ever-renewing splendor of the world; for the eternal miracle of the spring, for the gracious dignity of trees and flowers, for the unending pageant of the skies, for the charm and glory of the fields. These things Thou hast made. They are good and we rejoice in them.

We look out upon the earth and behold its beauty, blighted with our sins. Given love, we choose hate; given freedom, we prefer slavery; given intelligence, we rest in stupidity; given goodness, we cherish evil; given life, we elect death; given opportunity to bring heaven to earth, we decide to bring hell.

Forgive us, O God, wherein we have failed Thee. In Christ's name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. RUSSELL E. REESE, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BAUGHER. HOUSE BILL NO. 1770

An Act to amend the title and to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeiture for violation thereof," by permitting the use of enclosed wood-work about sinks in all except tenement-houses and lodging houses in cities of the second class, second class A, and third class.

Referred to the Committee on Public Health and Sanitation.

By Messrs. MALLOY and SCHWAB
HOUSE BILL NO. 1771

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said department, the issuance of certified copies thereof, and fixing fees and penalties.

Referred to the Committee on State Government.

By Messrs. McDERMOTT and RAUSCH.
HOUSE BILL NO. 1772

An Act fixing the salaries of jury commissioners in counties of the fourth class.

Referred to the Committee on Counties.

By Messrs. McDERMOTT and RAUSCH.
HOUSE BILL NO. 1773

An Act making an appropriation to the Boys' Club of Allentown, at Allentown, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. BENTLEY (By Request) HOUSE BILL NO. 1774

An Act relating to elective public offices, the incumbents of which are required by act of Congress to enter military or naval service; providing that such offices shall not be considered vacant or the incumbent thereof disqualified by reason of such call to military or naval service; making provisions for certain deputies, assistants or substitutes to perform the functions of such office during the period of such military or naval service or until the terms of office have ended; prescribing the qualifications, powers, duties, liabilities and compensation of such deputies, assistants or substitutes; and defining the extent and effect of said act upon the various incidents of such office including incompatibility, vacancy, compensation, term, misconduct, removal and holding over.

Referred to the Committee on State Government.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 46. (HOUSE BILL No. 1775).

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," authorizing the county treasurer to appoint a solicitor and providing for his salary payable by the county.

Referred to the Committee on Counties.

SENATE BILL No. 56. (HOUSE BILL No. 1776).

An Act providing for the observance of a Bill of Rights Week in the public schools of this Commonwealth

Referred to the Committee on Education.

SENATE BILL No. 174. (HOUSE BILL No. 1777).

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act" by establishing additional routes in the City of Erie.

Referred to the Committee on Highways.

SENATE BILL No. 351. (HOUSE BILL No. 1778).

An Act authorizing the sheriffs in counties of the sixth, seventh and eighth classes to appoint a sheriff's solicitor for their respective counties to be paid by the proper county, and prescribing the duties and limiting the compensation of such solicitors.

Referred to the Committee on Counties.

SENATE BILL No. 529. (HOUSE BILL No. 1779).

An Act relating to taxation in counties of the fourth, fifth, sixth, seventh, and eighth classes; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; creating a board for the assessment and revision of taxes; defining the powers and duties of such boards; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county, borough, town, township, school and institution district purposes; regulating the office of ward, borough, town and township assessors; authorizing the appointment of a chief assessor, assistants and other employees; providing for their compensation payable by such counties and abolishing the office of assistant triennial assessor in townships of the first class

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 185. (HOUSE BILL No. 1780).

An Act to further amend section two of, and to add sec-

tion two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted.

Referred to the Committee on Judiciary General.

SENATE BILL No. 555. (HOUSE BILL No. 1781).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance: providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons; blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mother's Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to Mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by regulating the use or disclosure of public assistance lists and records, and adding to penal provisions

Referred to the Committee on Welfare.

SENATE BILL No. 785. (HOUSE BILL No. 1782)

An Act to further amend section nine of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," further regulating State reimbursements to school districts for vocational types of vocational education for which funds may be provided by Congress

Referred to the Committee on Education.

SENATE BILL No. 204. (HOUSE BILL No. 1783)

An Act to empower cities, counties, boroughs, incorporated towns and townships of the first class and of the second class to require the removal of used motor vehicles from areas designated as residential districts; authorizing the imposition of penalties and the employment of other appropriate remedies to compel such removal

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 396. (HOUSE BILL No. 1784)

An Act to further amend section thirty-one as re-numbered section thirty-two of the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" changing the date for the exercise of local option.

Referred to the Committee on Liquor Control.

SENATE BILL No. 428. (HOUSE BILL No. 1785)

An Act to amend section nine hundred and one of, and to add section nine hundred and one-tenth to, the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by limiting the offense of burglary to certain acts committed by night, and making entering buildings in the daytime, with intent to commit a felony therein, or breaking and entering buildings in the daytime, a felony.

Referred to the Committee on Judiciary Special.

SENATE BILL No. 209. (HOUSE BILL No. 1786)

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 669. (HOUSE BILL No. 1787)

An Act to further amend sections five hundred one and five hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by changing the time for submission of the question of local option.

Referred to the Committee on Liquor Control.

SENATE BILL No. 776. (HOUSE BILL No. 1788)

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into Senatorial districts, as provided by the Constitution; and to regulate the election of, and terms of office of, the present and future elected Senators.

Referred to the Committee on Legislative apportionment.

SENATE BILL No. 802. (HOUSE BILL No. 1789)

An Act to further amend section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for sabbatical leaves of absence for employes of State teachers colleges and the Cheyney Training School for Teachers

Referred to the Committee on Education.

SENATE BILL No. 806. (HOUSE BILL No. 1790)

An Act to further amend clause (a) of section one thousand two hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating sabbatical leaves for certain school employes

Referred to the Committee on Education.

SENATE BILL No. 724. (HOUSE BILL No. 1791)

An Act to amend section four hundred one of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments boards; and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Referred to the Committee on State Government.

SENATE BILL No. 994. (HOUSE BILL No. 1792)

An Act making an appropriation to the Thomas Jefferson Bicentennial Commission of Pennsylvania.

Referred to the Committee on Appropriations.

SENATE BILL No. 996. (HOUSE BILL No. 1793)

An Act to further amend section four of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish, and operate projects, and to lease the same, and to tax and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

Referred to the Committee on State Government.

SENATE BILL No. 998. (HOUSE BILL No. 1794)

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell convey or exchange the Executive Mansion located at Front and Barberry Streets in the city of Harrisburg county of Dauphin.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. GATES and BRETHERICK.

RESOLUTION No. 100

In the House of Representatives, May 28, 1941.

Whereas, The Government of the United States is, by the provisions of the Lease-Lend Bill, committed to a policy of material aid to Great Britain in her present struggle against totalitarian Germany, thus linking the fortunes of our own country with those of our sister democracy; and

Whereas, Great Britain's strength and hope of survival lies in her navy, to which the loss of the battleship Hood was a serious blow remediable only by its immediate replacement; and

Whereas, The United States has recently placed in service the battleship North Carolina, a more modern and effective ship of war, which can be used in immediate action against the common enemy with much better result than by saving her to meet the enemy alone at some later date; therefore be it

Resolved, That the House of Representatives hereby memorialize the Congress of the United States to enact legislation, if need be, to authorize the President, under plenary powers, similar to those now possessed under the Lease-Lend Bill, to give the battleship North Carolina, outright to the British Government, without reservation; and the House of Representatives further hereby requests the President of the United States to make such gift forthwith, if such power he already have; or in any event, as soon as the power necessary thereto has been granted by the Congress; and be it further

Resolved, That copies of this resolution be transmitted by the Chief Clerk of the House to the President of the United States, each of the presiding officers of the two branches in Congress and to each United States Senator and member from this Commonwealth.

Referred to the Committee on Rules.

COMMUNICATIONS AND PETITIONS

The SPEAKER laid before the House the following communications and petitions which were read by the Clerk.

DIXMONT HOSPITAL

A communication from the Dixmont Hospital addressed the Speaker requesting support of House Bill 348 and requesting an increased appropriation.

Referred to the Committee on Appropriations.

REDUCTION OF SCHOOL AGE

Communications from Germantown High School; Murrel Dobbins Vocational School and a resolution; Roxborough High School and a petition addressed to the Speaker protesting passage of Senate Bill No. 302 reducing compulsory school age limit.

Referred to the Committee on Education.

EDUCATIONAL SURVEY COMMITTEE

A communication from the American Committee for Democracy and Intellectual Freedom, New York, protesting passage of Senate Bill 559.

Referred to the Committee on Education.

MUNICIPAL HIGHWAYS

A communication from the League of Cities of the Third Class favoring passage of Senate Bills Nos. 297 and 298.

Referred to the Committee on Highways.

LIQUOR SALES

Petitions from citizens of Armstrong and Butler Counties protesting the liberalization of liquor sales.

Referred to the Committee on Liquor Control.

MINE CAVES

A telegram from the Anthracite Surface Protective Association favoring the creation of a commission for the investigation of mine cave conditions throughout the Anthracite region.

Referred to the Committee on Mines and Mining.

COMMERCIAL FEEDING STUFFS

A communication from the Anderson Grain and Feed Co., York, protesting passage of House Bill 1582 amending the Commercial Feeding Stuffs Act.

Referred to the Committee on Public Utilities.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 104.

An Act to further amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" extending the time during which application may be filed for veterans' compensation.

HOUSE BILL No. 374.

An Act to add clause (e) to section four of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "An act defining the term 'fiduciary' prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made by such fiduciaries and repealing acts and parts of acts inconsistent herewith," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof.

HOUSE BILL No. 525.

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws.

HOUSE BILL No. 717.

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

HOUSE BILL No. 885.

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing for filling vacancies in the office of township commissioner.

HOUSE BILL No. 1240.

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth, death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh, one thousand nine hundred fifteen, (Pamphlet Laws nine hundred) and for searches of the files and records when no certified copy is made.

HOUSE BILL No. 1255.

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor

HOUSE BILL No. 1259.

An Act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class; and imposing certain charges on counties and fixing penalties

HOUSE BILL No. 1270.

An Act to further amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis

Whereupon

The SPEAKER in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. Mooney for Mr. MIHM for the remainder of the week on account of illness.

Mr. HARMUTH for himself after tomorrow's session for the remainder of the week.

Mr. EDWIN A. LEE for himself for the week of June 9th.

Mr. GYGER for himself for the remainder of the week after today's session.

Mr. ECKELS for himself for Thursday, June 5th.

Mr. McKINNEY for himself for the remainder of the week after today's session.

Mr. ELDER for himself for tomorrow's session.

Mr. HALL for himself for Thursday, June 5th.

Mr. FINNERTY for himself for the remainder of the week after tomorrow's session.

Mr. HABERLEN for himself for tomorrow's session.

REPORTS FROM COMMITTEES

Mr. CHERVENAK, from the Committee on Appropriations, reported as committed, House Bill No. 1390, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 1511, entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five, adopted the twenty-fourth day of February, one thousand nine hundred and forty-one.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1129, entitled:

An Act to further amend subsection (a) of section six of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages or real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; the organization of corporations to carry on the business of decedent; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balance due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports, and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars.

Mr. ELLWOOD B. WELSH, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three, (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secre-

tary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registrations.

Mr. STANK, from the Committee on Appropriations, reported as committed, House Bill No. 1425, entitled:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings and recommendations to the General Assembly; and authorizing the commission to employ counsel and employees; and making an appropriation.

Mr. FINESTONE, from the Committee on Judiciary Special, reported as committed, House Bill No. 1665, entitled:

An Act to amend section six Hundred five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

Mr. LONGO, from the Committee on Judiciary Special, reported as committed, House Bill No. 1263, entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

Mr. SIALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1748, entitled:

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred seven (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas, and orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, of this Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when by the parties to such proceedings; and repealing the act, entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth; authorizing the appointment of stenographers by examiners, masters, referees, commissioners, and auditors; authorizing the appointment of assistant stenographers repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May fifteenth, one thousand eight hundred and seventy-four; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May eighth, one thousand eight hundred and seventy-six; and repealing "An act defining the duty of court stenographers in the several counties in this State," approved June tenth, one thousand eight hundred and eighty-one," approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven," by further prescribing regulations for the furnishing of copies of testimony.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1119, entitled:

An Act exempting automatic merchandise vending machines, and their contents, located on leased premises and held under conditional sale, bailment lease or other like agreement, from levy and sale on execution or distress for rent, if certain written notice of such agreement is given the lessor of the premises on which such machines are located, and saving the right of lessors to levy on and sell, or distrain, any rights which lessees may have in such automatic merchandise vending machines under a conditional sale, bailment lease or other like agreement.

Mr. McKINNEY, from the Committee on Judiciary General, reported as committed, House Bill No. 1621, entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1536, (Senate Bill No. 212), entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

Mr. CHERVENAK, from the Committee on Appropriations, reported as amended, House Bill No. 1121, entitled:

A further supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

Mr. MUNLEY, from the Committee on Motor Vehicles, reported as amended, House Bill No. 1648, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for

transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

Mr. BAKER, from the Committee on Appropriations, reported as amended, House Bill No. 361, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capitol City.

Mr. MODELL, from the Committee on Judiciary Special, reported as amended, House Bill No. 1490, entitled:

An Act authorizing the tax assessment records of lands, buildings and minerals be admissible as evidence in any action of law or equity where damages are claimed.

Mr. O'MULLEN, from the Committee on Motor Vehicles, reported as amended House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof; owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; authorizing the secretary of Revenue to establish a system of permanent registration of vehicles providing for the issuance of commercial licenses and further regulating the operation of vehicles, and the suspension of registrations and operating privileges; giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes; extending the time limit for cities of the second class A to make certain changes in traffic signals; extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power; amplifying and changing provisions of said act relating to lighting signal and warning devices; redefining the term dealer; further regulating dealers in junked vehicles, permits for oversize and overweight vehicles, use of school buses, registration plates and cards maximum size of vehicles, and medical examinations by physicians; providing for payment of certain fees by counties; limiting, and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employees in the matter of investigations further regulating prosecutions; giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts; changing and fixing additional fees, changing and imposing new penalties, giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops; providing refunds to certain persons entering Federal services; and making an appropriation.

Mr. HARKINS, from the Committee on Appropriations, re-reported as committed, House Bill No. 916, entitled:

An Act making an appropriation to the Department of Highways for the erection and construction of ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg, and for the construction of the necessary approaches thereto.

Mr. O'NEILL, from the Committee on Appropriations, re-reported as amended, House Bill No. 917, entitled:

An Act establishing certain public roads and streets in the Borough of West Leechburg, Westmoreland County, in the township of Gilpin and the borough of Leechburg, Armstrong County, as a state highway; providing for their construction and maintenance by the Department of Highways, and making an appropriation.

QUESTION OF PERSONAL PRIVILEGE

Mr. WOODSIDE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Dauphin will state his question of personal privilege.

Mr. WOODSIDE. Mr. Speaker, I wish to thank you for the very beautiful bouquet of flowers which has been placed on my desk, and for the very kind note that accompanied it. The trouble with me is that I am usually about a step or two behind. I have acquired the reputation of frequently being a little late. I certainly cannot criticize anybody for being a jump ahead, and the Speaker as customary in many things, is just a jump ahead. While I do not wish to criticize him for giving me the flowers a day early, I will just enjoy them over the entire day of my birthday tomorrow instead of just part of the day, as I would have, if they had been delivered tomorrow.

I was born June 4, 1904 at four o'clock in the afternoon, while the state Senator of Dauphin County, M. Harvey Taylor, was celebrating his twenty-eighth birthday on a baseball field in Millersburg, pitching for the Millersburg team, while my father was doing the umpiring. And so as I celebrate my birthday tomorrow, I cannot help but recall, not of my own recollection, but of hearing of the circumstances on that day of June 4, 1904, while M. Harvey Taylor was throwing and my father was calling them. Again, Mr. Speaker, I want to thank you for the very kind sentiments and the very beautiful flowers.

The SPEAKER. The Chair extends the wishes of the House to the gentleman from Dauphin, wishing him many happy returns of the day tomorrow.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1088.

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

HOUSE BILL No. 1510.

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having

a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

With the information that the Senate has passed the same without amendment.

MR. BAKER IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1488, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1432, entitled:

An Act to further amend section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," by changing certain routes and adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1705, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON FIRST READING NOT ON FILE

The SPEAKER. House Bill No. 1430, Printer's No. 851,

bill on first reading on page 2 of today's calendar, is not on file and will be passed over.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1431, entitled:

An Act to further amend the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance, and construction of such highways; and making an appropriation to carry out the provisions of this act," by changing certain routes and adding certain new routes.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Baker, for presiding.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1116, entitled:

An Act to further amend clause two of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by specifically prescribing minimum annual salaries and increments for vocational school teachers in school districts of the first class.

The first section was read.

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. LEVY. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1191, entitled:

An Act to further amend clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by

the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further extending the time for present employees as defined in the act to elect to be covered by the retirement system and providing for payments by and to the funds in such cases

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 486, entitled:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth and afford transportation for defense purposes by providing for the construction operation and maintenance of a turnpike from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and state highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. STANK. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1445, Senate Bill No. 302 Printer's No. 162, was passed over at the request of Mr. ACHTERMAN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1477, (Senate Bill No. 418), entitled:

An Act requiring the Governor of the Commonwealth to issue annual proclamations setting apart September thirtieth of each year as Commodore John Barry Day

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1679, entitled:

An Act to enable the county commissioners of counties of the fourth fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1522, entitled:

An Act to further amend sections two hundred five and seven hundred eleven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by creating a Motor Police Trial Board setting forth its powers and duties and regulating the conduct hours of work and compensation of members of the Pennsylvania Motor Police

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1706, entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift the Harmony Society Graveyard in the borough of Ambridge Pennsylvania providing for the control management and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1723, entitled:

An Act to amend section four of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compen-

sation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing for the appointment compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1366, entitled:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" as amended by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1367, entitled:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-five (P. L. 130) entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1368, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund" as reenacted and amended by making the moneys in the Motor License Fund available to the Department of Military Affairs instead of the Department of Revenue with respect to aeronautical matters

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1369, entitled:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1016), entitled "An act relating to aeronautics providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth conferring powers and duties on the Department of Revenue with respect thereto and repealing certain acts and parts of acts" by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1323, entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary

The first and second sections were separately read and agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 3, page 2, lines 23 and 24, by striking out the words "Pennsylvania Game Commission which shall maintain thereon a State wild life sanctuary," and inserting in lieu thereof the following: "Department of Forests and Waters, which shall maintain the same as a State park."

The amendment was agreed to.

The section was agreed to as amended.

The fourth and fifth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Mr. DAVID P. REESE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend the title, page 1, last three lines of title by striking out the words "for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary" and inserting in lieu thereof the following: "providing for the transfer of said park to the Department of Forests and

Waters and the use thereof by the department as a State park."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1693, (Senate Bill No. 451), entitled:

A Joint Resolution making application to the Congress of the United States to call a convention for proposing an amendment to the Constitution of the United States prohibiting taxation of bonds and securities of States their instrumentalities or political subdivisions and the income therefrom without the consent of the State

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1673, (Senate Bill No. 592), entitled:

An Act to further amend section one of the act, approved the thirtieth day of May, one thousand eight hundred and ninety-three (P. L. 183), entitled "An act providing for the acquisition by the State of certain ground at Valley Forge for a public park, and making an appropriation therefor," reducing the amount of land to be acquired by the Valley Forge Park Commission.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1462, entitled:

An Act to regulate the locating drilling casing filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds having for its object the protection of life and property by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 764.

An Act to add section nine hundred thirty-eight to the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" providing for the establishment regulation and use of special dog training areas

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 25, by inserting after the word "Commission" the words "and unless the Commission shall determine that the area is already adequately stocked."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lichtenwalter,	Rooney,
Auker,	French,	Longo,	Rose, W. E.,
Baker,	Gallagher,	Lovett,	Rosenfeld,
Balthaser,	Gates,	Lyons,	Royer,
Baughner,	Gerard,	Malloy,	Rush,
Bentley,	Gillan,	Maxwell,	Sarge,
Bentzel,	Gillette,	McClanaghan,	Sarra,
Boles,	Goodwin,	McClester,	Scanlon,
Boney,	Greenwood,	McDermott,	Schwab,
Boorse,	Gross,	McDowell,	Serrill,
Bower,	Gryskewicz,	McFall,	Shaffer,
Bradley,	Gyger,	McGrath,	Shaw,
Breth,	Habbyshaw,	McIntosh,	Shepard,
Bretherick,	Haberlen,	McKinney,	Simons,
Brown,	Haines,	McLanahan,	Skale,
Brunner, C. H.,	Hall,	McLane,	Sorg,
Brunner, P. A.,	Hamilton,	McMillan,	Stambaugh,
Burns,	Hare,	McSurdy,	Stank,
Burris,	Harkins,	Melchiorre,	Stine,
Cadwalader,	Harmuth,	Modell,	Stockham,
Chervenak,	Harris,	Monks,	Tarr,
Chudoff,	Heatherington,	Mooney,	Tate,
Cochran,	Helm,	Moran,	Taylor,
Cohen, M. M.,	Hering,	Moul,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Mulr,	Thompson, R. L.,

Cook,	Hersch,	Munley,	Trout,
Cooper,	Hewitt,	Nagel,	Van Allsburg,
Cordier,	Hirsch,	Nunemacher,	Verona,
Corrigan,	Holland,	O'Brien,	Vincent,
Croop,	Huntley,	O'Connor,	Voldow,
Cullen,	Imbrie,	O'Dare,	Voorhees,
Dalrymple,	James,	O'Mullen,	Wagner,
Dennison,	Jefferson,	O'Neill,	Watkins,
DiGenova,	Jones, G. E.,	Owens,	Weingartner,
Dix,	Jone., P. N.,	Petrosky,	Weiss,
Dolon,	Keenan,	Pettit,	Welsh, E. B.,
D'Ortona,	Kanehan,	Polaski,	Welsh, M. J.,
Duffy,	Kline,	Polen,	Williams,
Early,	Knoble,	Powers,	Winnier,
Eckels,	Kolankiewicz,	Prosen,	Wolf,
Elder,	Komorowski,	Rank,	Wood, L. H.,
Elliott,	Krise,	Rausch,	Wood, N.,
Ely,	Lee, E. A.,	Readinger,	Woodring,
Falkenstein,	Lee, T. H.,	Reagan,	Woodside,
Finestone,	Lelsey,	Reese, D. P.,	Wright,
Finnerty,	Leonard,	Reese, R. E.,	Yeakel,
Fisher,	Lesko,	Regan,	Yester,
Fleming,	Levy,	Reynolds,	Young,
Fletcher,	Leydic,	Rhea,	Kilroy,
Flynn,			Speaker.

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 949.

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

With the information, that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 9, line 17, by striking out after the word "sale" the following: "Provided further That the said higher offer shall be in an amount in excess of such broker or broker's commissions," and inserting in lieu thereof the following: "and in the event that more than one real estate broker is entitled to commissions for said agreements of sale then such commissions shall be equally divided between or among such real estate brokers Provided further that the total aggregate commissions paid shall in no event exceed five per cent of the gross consideration of the final sale."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baughner,	Gerard,	Maxwell,	Sarra,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,

Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dalrymple,	Jam's,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Weiss,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winnier,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliot,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1005.

An act to add section six hundred ninety-nine and six-tenth of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 1, line 7, by inserting after the word "currency" the following: "or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Longo,	Rose, W. E.,
Auker,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Royer,
Balthaser,	Gates,	Malloy,	Rush,
Baughner,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarra,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,
Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shaffer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Breth,	Habbyshaw,	McKinney,	Simons,
Bretherick,	Haberlen,	McLanahan,	Skale,
Brown,	Haines,	McLane,	Sorg,
Brunner, C. H.,	Hall,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Melchiorre,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dalrymple,	James,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Weiss,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winnier,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliot,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy, Speaker
Flynn,	Lichtenwalter,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs

and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of nonresident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 3, line 16, by striking out the words "not more than three" and inserting in lieu thereof the words "one or more."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flynn,	Lichtenwalter,	Rose, W. E.,
Auker,	Foor,	Longo,	Rosenfeld,
Baker,	French,	Lovett,	Royer,
Balthaser,	Gallagher,	Lyons,	Rush,
Baughner,	Gates,	Malloy,	Sarge,
Bentley,	Gerard,	Maxwell,	Sarraf,
Bentzel,	Gillan,	McClanaghan,	Scanlon,
Boles,	Gillette,	McClester,	Schwab,
Boney,	Goodwin,	McDermott,	Serrill,
Boorse,	Greenwood,	McDowell,	Shaffer,
Bower,	Gross,	McFall,	Shaw,
Bradley,	Gryskewicz,	McGrath,	Shepard,
Breth,	Cyger,	McIntosh,	Simons,
Bretherick,	Habbyshaw,	McKinney,	Skale,
Brown,	Haberlen,	McLanahan,	Sorg,
Brunner, C. H.,	Haines,	McLane,	Stambaugh,
Brunner, P. A.,	Hall,	McMillen,	Stank,
Burns,	Hamilton,	McSurdy,	Stine,
Burris,	Hare,	Melchiorre,	Stockham,
Cadwalader,	Harkins,	Modell,	Tarr,
Chervanek,	Harmuth,	Monks,	Tate,
Chudoff,	Harris,	Mooney,	Taylor,
Cochran,	Heatherington,	Moran,	Thompson, E.,
Cohen, M. M.,	Helm,	Moul,	Thompson, R.,
Cohen, R. E.,	Hering,	Muir,	Trout,
Cook,	Herman,	Munley,	Van Allsburg,
Cooper,	Hersch,	Nagel,	Verona,
Cordier,	Hewitt,	Nungmacher,	Vincent,
Corrigan,	Hirsch,	O'Brien,	Vogt,
Croop,	Holland,	O'Connor,	Voldow,
Cullen,	Huntley,	O'Dare,	Voorhees,
Dalrymple,	Imbrie,	O'Mullen,	Wagner,
Dennison,	James,	O'Neill,	Watkins,
DiGenova,	Jefferson,	Owens,	Weingartner,
DL,	Jones, G. E.,	Petrosky,	Weiss,
Dolon,	Jones, P. N.,	Pettit,	Welsh, E. B.,
D'Ortona,	Keenan,	Polaski,	Welsh, M. J.,
Duffy,	Kenehan,	Polen,	Williams,
Early,	Kilne,	Powers,	Winnier,
Eckels,	Knoble,	Prosen,	Wolf,
Elder,	Kolankiewicz,	Rank,	Wood, L. H.,
Elliot,	Komorowski,	Rausch,	Wood, N.,
Ely,	Krise,	Readinger,	Woodring,
Falkenstein,	Lee, E. A.,	Reagan,	Woodside,
Finestone,	Lee, T. H.,	Reese, D. P.,	Wright,
Finerty,	Lelsey,	Reese, R. E.,	Yeakel,
Fisher,	Leonard,	Regan,	Yester,
Fleming,	Lesko,	Reynolds,	Young,
Fletcher,	Levy,	Rhea,	Kilroy,
	Leydie,	Rooney,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDERS

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the final passage and third reading calendars be made a special order of business in their numerical order as they appear on the calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

BILL PASSED OVER

There being no objection House Bill No. 891, Printer's No. 744, was passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1094, as follows:

An Act to protect the public health and safety by requiring registration with and the securing of permits from the State Board of Pharmacy by persons copartnerships associations and corporations engaged in the manufacture producing and dealing in drugs and medical supplies regulating the manufacture of drugs and medical supplies prescribing permit providing for inspections and the suspension and revocation of permits conferring powers on the State Board of Pharmacy and courts and providing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words as used in this act shall for the purposes of this act be construed as follows

(a) "Drug" means (1) articles recognized in the official United States Pharmacopoeia the official National Formulary or the official Homeopathic Pharmacopoeia or any supplement to any of them (2) articles intended for use in the diagnosis cure mitigation treatment or prevention of diseases in man or other animals (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals and (4) articles intended for use as a component of any article specified in clause (1) (2) or (3) hereof but does not include devices or their components parts or accessories

(b) "Medical supplies" means in addition to drugs absorbent cotton bandages gauze sutures compacts compresses surgical dressings of all kinds and descriptions and all other products preparations used in the diagnosis cure mitigation or prevention of disease in man or other animals or intended to affect the structure of any function of the body of man or other animals but shall not include instruments appliances or devices used by physicians dentists nurses or veterinarians in the pursuit of their professional practice

(c) "Manufacture" includes manufacture making producing packing packaging or preparing drugs or medical supplies

(d) "Person" means an individual copartnership association or corporation

(e) "Broker" includes broker jobber agent or distributor engaged in the vending of drugs and medical supplies

(f) The words "drug" and "medical supplies" as used in this act do not include surgical or dental instruments or laboratory materials gases oxygen therapy equipment X-ray apparatus or therapeutic equipment their compo-

nents parts or accessories or equipment instruments apparatus or contrivances used to render such articles effective in medical surgical or dental treatment or for use or consumption in or for mechanical industrial manufacturing or scientific applications or purposes

(g) "Wholesale drug dealers" means an individual co-partnership association or corporation engaged in the vending of drugs and medical supplies at wholesale but not compounding prescriptions for or selling drugs or medical supplies at retail to the public

Section 2 Permits Required No place of manufacture broker's or wholesale drug dealer's place of business shall be conducted or kept open for the transaction of business until it has been registered with and a permit which shall not be transferable has been issued by the State Board of Pharmacy Provided however That nothing in this act shall be construed to apply to the sale of patent or proprietary medicines or commonly used household drugs medical or dental supplies at wholesale or retail when in either the original package of the manufacturer or in the manufacturer's consumer unit sale package

Section 3 Regulation of Manufacture No drugs or medical supplies shall be manufactured made produced packed packaged or prepared in this Commonwealth except under the personal supervision of a registered pharmacist chemist or other persons possessing at least five years experience in the manufacture of said drugs or medicinal supplies or such other person approved by the State Board of Pharmacy after an investigation and determination by the said Board that such person is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety

Section 4 Applications for Permits Fees Permit Year Applications for registration and for permits required under the provisions of this act shall be made on forms prepared and furnished by the State Board of Pharmacy and shall be accompanied by a fee of five dollars (\$5.00) A separate application shall be made and a separate permit shall be required for each place of manufacture broker's or wholesale drug dealer's place of business Permits issued under the provisions of this act shall at all times be conspicuously displayed in the place of manufacture broker's or wholesale drug dealer's place of business Permits shall be issued for a permit year commencing July first of one year and expiring with June thirtieth of the year following

Application forms for permits shall be mailed by the State Board of Pharmacy to each applicant or permittee on or before the first day of June of each year or shall be furnished on request and if application is not made before the first day of July the existing permit shall expire and become null and void on said date except upon the production of good and sufficient evidence satisfactory to the State Board of Pharmacy explaining the failure to file an application for a permit within the time prescribed by this act and the payment of the board of a fee prescribed by the Department of Public Instruction

Section 5 Inspection The State Board of Pharmacy shall have power through its duly authorized and qualified agents to inspect at all reasonable hours in a lawful manner the drugs and medical supplies in any place of manufacture broker's or wholesale place of business or those vended by any person and for such purposes shall have power to enter any drug dealer's place of manufacture broker's or wholesale drug dealer's place of business or to require any person or broker to permit an examination of the drugs and medical supplies which he is engaged in vending and to take samples of such drugs and medical supplies upon payment therefor for the purpose of examining and testing the same

Section 6 Formularies and Publications Required There shall be kept in each place of manufacture broker's or wholesale drug dealer's place of business for which a permit is issued a copy of the latest revision of the United States Pharmacopoeia the latest edition of the National Formulary and the latest edition of the Year Book of the Pennsylvania Pharmaceutical Association which books

and publications must be available for and open to the inspection of the State Board of Pharmacy or its duly authorized agents any person violating the provisions of this section shall upon conviction in a summary proceeding be sentenced to pay a fine of ten dollars (\$10.00)

Section 7 Refusal Suspension Revocation of Permits Appeals The State Board of Pharmacy shall have power to suspend refuse or revoke the permit of any place of manufacture broker's or wholesale drug dealer's place of business when information in its possession shall disclose that the place of manufacture broker's or wholesale drug dealer's place of business insofar as respects the manufacture or vending of drugs and medical supplies is conducted contrary to law or contrary to the rules and regulations adopted by the State Board of Pharmacy pursuant to the Eighth Section of this act or in any manner so as to endanger the public health and safety

The State Board of Pharmacy shall reinstate any permit where it shall determine the same to be just and proper

No permit shall be suspended or revoked until the permittee shall have been afforded an opportunity for a public hearing at a time and place to be fixed by the State Board of Pharmacy At least ten days' notice of such hearing and of the charges preferred against him shall be given the permittee by registered mail at the address of the permittee as shown on the books of the board At such hearing the permittee may be represented by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board

Immediate notice of the action of the State Board of Pharmacy shall be given to the permittee by registered mail at the address shown on the books of the board

Any permittee aggrieved by the action of the State Board of Pharmacy in suspending or revoking a permit may appeal from the action of the Board by petition to the Court of Common Pleas of Dauphin County Such appeals must be taken within thirty days after such suspension or revocation No appeal shall act as a supersedeas

Appeals shall be taken by serving upon the State Board of Pharmacy and the Superintendent of Public Instruction a copy of the appeal petition Within thirty days after the service of the copy of the appeal petition the State Board of Pharmacy shall file with the prothonotary of the said court of common pleas a transcript of the proceedings and a complete transcript of the stenographic notes of testimony and notice of the filing of the same shall be given to the permittee by registered mail as above provided

The court upon application of the Board or the permittee shall fix a time and place of hearing at which any judge or judges of said court shall hear the appeal without a jury The court after reviewing the record and testimony and hearing argument may sustain modify or reverse the action of the Board as in its judgment the facts shall warrant

From any decision of the court of common pleas an appeal shall lie to the Superior Court as in other cases

Section 8 Rules and Regulations The State Board of Pharmacy shall have power from time to time to adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this act and as it deems necessary for the protection of the public health and safety with respect to the sanitation materials equipment and supplies of places of manufacture brokers' or wholesale drug dealer's place of business for which permits are issued

Section 9 Equity Jurisdiction The State Board of Pharmacy may in its discretion in addition to other remedies provided for in this act apply to any court of common pleas having jurisdiction over the parties for a writ of injunction to restrain repetitious violations of the provisions of this act

Section 10 Penalties Any person violating any of the provisions of this act or any of the rules and regulations

adopted thereunder shall be guilty of a misdemeanor and on conviction thereof shall be sentenced to pay a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or undergo imprisonment for a period of not less than one month nor more than six months or both

Section 11 Effective Date This act shall become effective on the thirtieth day of June one thousand nine hundred and forty-one No prosecutions shall be brought under the provisions of this act until ninety days after the effective date of this act

On the question,

Shall the bill pass finally?

Mr. RUSH. Mr. Speaker, I would like to interrogate the sponsor of the bill, Mr. Welsh.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. ELLWOOD B. WELSH. I shall, Mr. Speaker.

Mr. RUSH. Is this not the bill, Mr. Speaker, that was defeated a few weeks ago by a vote of sixty to ninety-four?

Mr. ELLWOOD B. WELSH. That is right, Mr. Speaker.

Mr. RUSH. The original intent of this bill, Mr. Speaker, I believe was to stop the sale of package medicine in the country stores.

Mr. ELLWOOD B. WELSH. That was not the intent, Mr. Speaker.

Mr. RUSH. But it did contain those provisions, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Originally, Mr. Speaker, the pink bill would have stopped them. Amendments were made to cut that out.

Mr. RUSH. Mr. Speaker, under the provisions of this present bill, with the rules and regulations to be set up by the State Board of Pharmacy, could not that same thing be accomplished in this bill?

Mr. ELLWOOD B. WELSH. No, it could not, Mr. Speaker.

Mr. RUSH. Mr. Speaker, does it not give the State Board of Pharmacy the power to set up rules and regulations by which package sales of medicine could not be handled?

Mr. ELLWOOD B. WELSH. Mr. Speaker, the State Board of Pharmacy now has that power.

Mr. RUSH. Is it possible, Mr. Speaker, for them to make provisions by which the package sale of medicine could be made so difficult it would drive out of business those little stores that handle package medicine?

Mr. ELLWOOD B. WELSH. It is hardly likely, Mr. Speaker, because they are specifically exempted in the bill.

Mr. RUSH. Mr. Speaker, the organized druggists of Pennsylvania have been trying to accomplish for a number of years, by introducing legislation in this House, the prohibition of the sale of package medicine in certain stores throughout the Commonwealth of Pennsylvania. While this bill today does not definitely state that, yet under its provisions it gives the State Board of Pharmacy the right to set up rules and regulations whereby they can accomplish the original purpose of the bill by making rules and regulations so difficult in the handling of package medicine it would be almost impossible for small

stores to handle the things. I think this bill is a bad piece of legislation and should be defeated and I am going to ask the members to vote "no."

Mr. ELLWOOD B. WELSH. Mr. Speaker, it is rather a matter of regret that I must come to you, fellow members, and ask you for the second time to vote for House Bill 1094. If it were not for the fact that I am deeply convinced, this bill does not do the injury the gentleman from Delaware County has pictured; if it were not for the fact that I have worked many days and many hours to perfect this bill so it would be agreeable to all concerned, I would not feel inclined to come before you, but it seems altogether unfair that the Pennsylvania manufacturing druggists, citizens of the Commonwealth of Pennsylvania, should be compelled to bow their knee in response to the opposition of men who sell drugs in this Commonwealth, but do not manufacture them, who have principal offices in other parts of the world, principally in Canada and in New England.

It seems to me the only remaining opponents of this bill are those manufacturers from outside this state. I ask you to consider your local manufacturers. This, in itself, is purely a manufacturer's bill. It deals with things that are manufactured and it makes some provision for those who manufacture them by taking out a license and submitting themselves to an examination by the State Pharmacy Board. The remaining opposition was on the floor of this House this morning going from desk to desk. Perhaps their representative was at your desk, imploring you to defeat this bill, not because it would do them any immediate injury, because as I have stated they are saying they do not fear anything from this bill, but they do fear a bill of a similar nature, and this same group may come back before this legislature some two years from now, and demand further and more stringent legislation, which may have the affect of ruling them out. They are basing their contention on something yet unborn.

It seems to me that you as live and wide-awake legislators should weigh this argument with considerable care. The remaining opposition to this bill was permitted to write in their own amendments, and a letter from the opposition which I received last month tells me this:

"In the first place, I wish to thank you for the courtesy you extended me when I was in Harrisburg last week. Had expected to write you sooner than this with further reference to House Bill 1094.

"As you may already know, this bill is a very complex one. The State of Pennsylvania already has adequate laws that afford all necessary protection to public health and safety, all arguments to the contrary. And for this reason, the bill under consideration simply adds to the complexity of the situation."

That is the local picture, but the further argument by which they hide behind a smokescreen is the argument which is set forth in the concluding paragraph of this letter which says:

"Our attorneys have requested further time in which to study the bill, saying that the amendments that I proposed did not adequately clear up the uncertainties of it. While I am not aware of any efforts on the part of others to obtain immediate consideration of the bill, it is hoped that you will be willing to allow further time in which to study it."

Almost two months have passed since then giving that party time, and the same opposition comes into this House today telling one Member they know there is no harm in the bill, but after all they are opposing it on general principles. One remark was made to the effect that they came to this House in 1939 and stopped a similar bill, and are going to continue their opposition. This opposition comes from outside of the Commonwealth of Pennsylvania, and I call upon you as loyal Pennsylvanians to settle this once and forever by voting for House Bill No. 1094.

Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I shall, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is there any opposition to this bill from the medical profession?

Mr. SARRAF. No, there is not, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, does the gentleman know of any reason why this bill should be opposed by any of the kindred professions of the drug trade?

Mr. SARRAF. I do not, Mr. Speaker.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is there any reason why the people in the gentleman's district would have legitimate opposition to this bill, if the gentleman knows?

Mr. SARRAF. Mr. Speaker, my particular district, no, no reason whatever.

Mr. ELLWOOD B. WELSH. Mr. Speaker, is it true that the Grocer's Association of Pennsylvania is also in sympathy with this bill?

Mr. SARRAF. That is correct, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mesrs. SCANLON, FINNERTY and MELCHIORRE asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—84

Bentley,	Gallagher,	Levy,	Rosenfeld,
Bentzel,	Gerard,	Malloy,	Sarraf,
Boles,	Goodwin,	McClanaghan,	Scanlon,
Bradley,	Gross,	McLane,	Schwab,
Bretherick,	Habbyshaw,	Meichiorre,	Shaw,
Brown,	Hamilton,	Modell,	Shepard,
Brunner, C. H.,	Harkins,	Monks,	Skale,
Chudoff,	Heatherington,	Muir,	Stank,
Cohen, M. M.,	Hering,	Munley,	Tate,
Cohen, R. E.,	Herman,	O'Dare,	Thompson E. F.,
Cook,	Hersch,	O'Mullen,	Turner,
Corrigan,	James,	O'Neill,	Voldow,
DiGenova,	Jefferson,	Polaski,	Voorhees,
Dolon,	Jones, P. N.,	Powers,	Wels,
D'Ortona,	Keenan,	Prosen,	Welsh, E. B.,
Duffy,	Kenehan,	Rank,	Williams,
Elder,	Knoble,	Readinger,	Woodring,
Falkenstein,	Kolankiewicz,	Reese, D. P.,	Woodside,
Finestone,	Krlise,	Rigan,	Yester,
Finnertv,	Lee, E. A.,	Rooney,	Young,
Fleming,	Lee, T. H.,	Rose, W. E.,	Kilroy,

Speaker.

NAYS—98

Achterman,	French,	Leydio,	Rush,
Auker,	Gates,	Lichtenwalter,	Sarge,
Baker,	Gillan,	Longo,	Serrill,
Balthaser,	Gillette,	Lovett,	Shaffer,
Baughner,	Greenwood,	Maxwell,	Simons,
Boney,	Gryskewicz,	McDermott,	Snyder,
Boorse,	Gyger,	McDowell,	Sorg,
Bower,	Haberlen,	McKinney,	Stambaugh,
Brunner, P. A.,	Haines,	McMillen,	Stine,
Burris,	Hall,	McSurdy,	Stockham,
Cadwalader,	Hare,	Mooney,	Taylor,
Cochran,	Harmuth,	Moran,	Thompson, R. L.,
Cooper,	Harris,	Nagel,	Van Allsburg,
Cordier,	Helm,	Nunemacher,	Vincent,
Croop,	Hewitt,	O'Connor,	Wagner,
Cullen,	Hirsch,	Owens,	Watkins,
Dennison,	Holland,	Petrosky,	Weingartner,
Dix,	Huntley,	Pettitt,	Welsh, M. J.,
Early,	Imbrie,	Polen,	Winnier,
Eckels,	Jones, G. E.,	Rausch,	Wolf,
Elliott,	Kline,	Reagan,	Wood L. H.,
Ely,	Komorowski,	Reese, R. E.,	Wood, N.,
Fisher,	Lelsey,	Rhea,	Wright,
Flynn,	Leonard,	Riley,	Yeakel,
Foor,	Lesko,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fails.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1070, as follows:

An Act prohibiting owners of restaurants pool rooms bowling alleys confectionery stores barber shops grocery stores or hotels from encouraging or permitting gambling and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Penalty for Encouraging Gambling If any owner of a restaurant pool room bowling alley confectionery store barber shop grocery store or hotel shall incite promote or encourage any game of address hazard horsing or any playing betting or gaming for money or other things of value whatsoever either by cards dice billiards bowls shuffle boards or any game or device in any other manner shall upon summary conviction before any justice of the peace in same municipality pay a fine of fifteen (\$15.00) for the first offense or in default thereof be imprisoned for a period of not less than fifteen (15) days nor more than thirty (30) days and for any other subsequent conviction shall pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00) and in default of the payment thereof shall be imprisoned for a period of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 2 Penalty for Permitting Gambling If such person shall permit and allow any kind of gamine of address or hazard or any playing betting or gaming for money or other valuable things of value whatsoever either of cards dice billiards bowls shuffle boards or any game or device in any other manner to be practiced played or carried on within his or her dwelling house outhouse shed or other place in his or her occupancy such person shall upon conviction before any justice of the peace in the same municipality pay a fine of fifty dollars (\$50.00) for the first offense or in default thereof be imprisoned for a period of thirty (30) days and for any subsequent conviction shall pay a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00) and in default of the payment thereof shall be imprisoned for a period of not less than sixty (60) days and not more than one hundred and twenty (120) days

Section 3 Sections eighteen and nineteen of the act approved the eleventh day of March one thousand eight hundred and thirty-four (P. L. 117) entitled "An act re-

lating to inns taverns and retailers of vinous and spirituous liquors" are hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Shall the bill pass finally?

Mr. McLANAHAN. Mr. Speaker, this bill is to modify a bill that was enacted on March 11, 1934. The penalty on the books today is five hundred dollars or one year in jail for this petty gambling. This is a vicious bill. My bill reduces this to a three hundred dollar fine or one hundred and twenty days in jail.

Mr. Speaker, during these serious times of this country today, it is important that our men are at their work and not lying in jail or lying around the court-house. Being a Justice of the Peace and sponsor of this bill, I do not wish to vote on this bill and I retire from the floor and call for a vote.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—48

Botes,	Hering,	Lovett,	Petrosky,
Boney,	Herman,	McClanaghan,	Pettit,
Chervenak,	Holland,	McFall,	Reese, R. E.,
Corrigan,	Imbrie,	McLane,	Shepard,
Cullen,	James,	Melchiorre,	Stockham,
DiGenova,	Jefferson,	Monks,	Tarr,
Dix,	Jones, P. N.,	Moran,	Vincent,
Duffy,	Kolankiewicz,	Nunemacher,	Weiss,
Early,	Komorowski,	O'Connor,	Woodring,
Gallagher,	Lee, E. A.,	O'Dare,	Yeakel,
Gross,	Leonard,	Owens,	Young,
Gryskewicz,	Longo,		Kilroy, Speaker.

NAYS—59

Auker,	Fisher,	Krise,	Scanlon,
Bradley,	Poor,	Levy,	Serrill,
Brunner, C. H.,	French,	Leydic,	Shaffer,
Brunner, P. A.,	Gillette,	McClester,	Snyder,
Burns,	Greenwood,	McDermott,	Stambaugh,
Burriss,	Cyger,	McKinney,	Stank,
Cordier,	Haines,	McSurdy,	Taylor,
Dalrymple,	Harmuth,	Modell,	Turner,
Dennison,	Heatherington,	Muir,	Voorhees,
D'Ortona,	Helm,	O'Mullen,	Wagner,
Eckels,	Hersch,	Readinger,	Wolf,
Elder,	Hewitt,	Reese, D. P.,	Wood, N.,
Elliott,	Hirsch,	Regan,	Wright,
Ely,	Kenehan,	Rose, W. E.,	Yester,
Finestone,	Kline,	Royer,	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL asked and obtained permission for the Committee on Mines and Mining to meet during the session of the House.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 66.

An Act to further amend the last paragraph of section

four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, line 7, by striking out after the word "Registrar" the following: "to perform duties similar to those performed by the Service Officers in Veterans' organizations in assisting" and insert in lieu thereof the words "to assist"; also in line 11, by inserting after the word "family" the words "under any of the laws of this Commonwealth and of the United States."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baugher,	Gerard,	Maxwell,	Sarraff,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Botes,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burriss,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Heim,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dalrymple,	James,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Weiss,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winner,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliott,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy, Speaker
Flynn,	Lichtenwalter,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 645, together with the message from the Senate which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 645.

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws thereto," by requiring all contracts of county commissioners, in counties of the second class, over five hundred dollars to be made with the lowest and best bidder, after due notice published.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 2, line 23, by inserting light-faced brackets before the word "when" and after the word "commissioners."

Oi. the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baughner,	Gerard,	Maxwell,	Sarra,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Biles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,

Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	VanAllsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dairymple,	James,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Weiss,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winnier,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliott,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Leisey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy, Speaker
Flynn,	Lichtenwalter,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 762, together with the message from the Senate which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 762.

An Act to further amend section twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties" permitting dogs kept in a kennel to be taken out for training exercise or entry in field trials

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out after the word "amend" the word "section" and inserting in lieu thereof the words "sections eleven and"; also on page 2, line 6 of title, by inserting after the syllable "ties" the words "by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels"; also in line 7, by inserting after the word "for" the word "hunting"; also in same line by inserting after the word "trials" the words "and dog shows and requiring keepers of kennels to maintain certain records."

Amend Section 1, page 2, line 1, by striking out after the figure "1" the word "Section" and inserting in lieu thereof the words "Sections eleven and"; also on page 3, line 4, by striking out after the figure "833" the word "is" and inserting in lieu thereof the following:

"and as last amended by Section three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 456) are"; also same page by inserting after line 4 the following new paragraph:

"Section 11 Any person who keeps or operates a kennel may in lieu of the license for each dog required by this act apply to the Department of Revenue or to the county treasurer for a kennel certificate entitling him to keep or operate such kennel. The certificate shall describe the premises where the kennel is located and the actual number of dogs which are permitted to be kept within the kennel. Such certificates shall be issued by the Department of Revenue or by the county treasurer on a form prepared and supplied by the Department of Revenue and shall entitle the person to keep any number of dogs six months old or over not at any time exceeding a certain number to be specified in the certificate. The fee to be paid for each kennel certificate shall be ten dollars for ten dogs or less and twenty dollars for more than ten dogs permitted to be kept under the kennel certificates. If the license is issued by the county treasurer the applicant shall also pay an additional fee of ten cents for the services of the county treasurer in issuing recording and reporting said kennel certificate to the Department of Revenue and remitting the license fee to the State Treasurer through the Department of Revenue. With each kennel certificate the Department of Revenue or the county treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county where it is issued the number of kennel certificate and shall be readily distinguishable from the individual license tags for the same year"; also same page, line 5, by inserting after the figures "12" the following: "The licensee of a kennel shall keep one of such tags attached to a collar on each dog six months old or over kept by him under a kennel certificate when and during such time as such dog is without the kennel. Such tags may be transferred from one dog to another whenever any dog is removed from the kennel"; also same line, by striking out after the word "kept" the word "in" and inserting in lieu thereof the word "under"; also by inserting after the word "kennel" the word "certificate"; also in line 9, by inserting after the word "of" the word "hunting"; also in line 10, by inserting after the word "trials" the following: "and dog shows. Every keeper of a kennel shall keep a permanent record of each dog at any time kept in the kennel. Such record shall show (1) the breed color markings sex and age of each dog (2) the date on which each dog entered the kennel (3) where it came from (4) to whom it belongs (5) for what purpose each dog is kept in the kennel (6) the date on which each dog leaves the kennel (7) how and to whom it is disposed of. Such record shall be open to inspection by any police officer or agent of the Department of Revenue Agriculture or Game Commission."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baughner,	Gerard,	Maxwell,	Sarraff,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burris,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenuak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dairymple,	James,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
DiGenova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Welles,
Dolon,	Keenan,	Polaski,	Welsh, E. E.,
D'Ortona,	Kenehan,	Polen,	Welsh, M. J.,
Duffy,	Kilne,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winnier,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliott,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisber,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, W. E.,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL NO. 510 AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 510 together with the message from the Senate which was laid on the table May 28, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 510.

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound, motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws" by changing the method and time whereby future referendums be initiated and held.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 23, by striking out after the word "in" the word "five" and inserting in lieu thereof the word "four"; also on page 3, line 8, by inserting a light faced bracket after the word "or" and striking out the light faced bracket after the word "municipal" and inserting in lieu thereof the word "primary".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 364.

An Act to amend the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act approved the second day of June one thousand nine hundred and fifty-two (P. L. 736), entitled as amended 'An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties' as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents" amplifying the provisions thereof as to persons entitled to such payments.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

Mr. ACHTERMAN. Mr. Speaker, I move that the

House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 364

The SPEAKER. The Chair appoints as a Committee of Conference on said bill, Messrs. HEATHERINGTON, MORAN and DAVID P. REESE.

Ordered, That the Clerk inform the Senate accordingly.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 788, as follows:

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom authorizing the Department of Mines to issue permits for "strip mining" operations requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil imposing certain additional duties upon the Department of Mines and the various mine inspectors and providing penalties

Whereas "strip mining" or the mining of coal by shifting or removing the overlying soil or strata so that the coal can be excavated without the necessity of underground digging is a frequent practice in various portions of the Commonwealth and

Whereas there are certain hazards and detrimental effects resulting from that type of mining which the general public welfare requires to be eliminated or regulated the following legislative findings of fact with respect thereto are hereby made

(a) It is a common practice in the conduct of strip mining operations to fail to replace the overlying soil or to bring the surface into substantial conformity with its pre-existing contours after the coal has been removed

(b) This frequent failure to replace or level the surface soil or overlying strata causes or aggravates soil erosion in many instances with resulting increase in the hazards of floods and a resulting counteraction of efforts to preserve soil and protect natural resources

(c) This failure to replace or level the surface soil or overlying strata causes the accumulation of stagnant waters which in turn results in pollution of the various lakes rivers and streams of the Commonwealth and in other detrimental effects upon the health and enjoyment of the citizens of the Commonwealth

(d) This failure to replace or level the surface soil or overlying strata permits the indefinite and unguarded existence of pits ditches gulleys piles and mounds which constitute dangerous hazards to life and property

(e) This failure to replace or level the surface soil or overlying strata is otherwise injurious and detrimental to the general public health and welfare therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Strip Mining Without Permit Unlawful It shall be unlawful for any person firm association or corporation intending to engage in the business of strip mining or mining for coal by uncovering or removing therefrom the surface soil or overlying strata to undertake any strip mining operations unless he or it shall first obtain a permit from the Department of Mines of the Commonwealth of Pennsylvania to conduct such strip mining operations

Nothing contained in this act shall be deemed to require a permit for "strip mining" where such mining is not conducted primarily for profit but is only performed incidentally in connection with or preparatory to some

material change in or relocation of surface structures or improvements or in connection with some material change in the use of the surface. Provided however That the change or relocation of structures or improvements on the surface or the change in use of the surface is such as will prevent or obviate those detrimental effects of "strip mining" which this act is designed to eliminate.

Section 2 Application for Permit Application for permit to conduct strip mining operations shall be made on forms to be provided by the Department of Mines. Such application shall set forth the location description and area in acres of the property whereon the applicant proposes to conduct strip mining operations. The department may require in addition that the application shall set forth such other information as is deemed pertinent and necessary. Every application for such permit shall be supported by the oath or affirmation of the applicant and shall be accompanied by a filing fee of five dollars (\$5.00).

Section 3 Bond to Accompany Application Every application shall be accompanied by a corporate surety individual surety or collateral bond to be approved and on the form prescribed by the Department of Mines in the amount of two hundred dollars (\$200) for every acre or portion thereof on which the applicant proposes to conduct strip mining operations.

Such bond shall be conditioned upon the replacement and leveling of the surface or overlying soil subsoil or strata after the removal of coal has been completed or after the strip mining operation has been discontinued such replacement and leveling to be completed within a reasonable time to be determined by the Department of Mines and such replacement refilling and leveling to be done in such manner as to minimize the hazard of floods pollution of streams and water accumulation of stagnant water and destruction and erosion of soil and in such manner as to restore so far as practicable the preexisting contours of the surface.

Every bond filed by an applicant for permit shall be payable to the Commonwealth of Pennsylvania and shall bear a warrant of attorney authorizing the Attorney General of the Commonwealth to confess judgment thereon in the event of non-compliance with its conditions.

Section 4 Issuance of Permits Upon the receipt of a properly completed and executed application together with the required filing fee and a bond satisfactory as to the amount and security the Department of Mines shall issue a permit in duplicate authorizing the person firm association or corporation named to conduct strip mining operations upon the property specified and described therein. One copy of such permit shall be posted in such manner as to be protected from the elements in some prominent spot upon the property on which the strip mining is conducted.

Section 5 Appeal from Refusal of Permit Any applicant for a permit to engage in strip mining whose application is refused may by petition filed within thirty (30) days after notice of such refusal appeal to the court of common pleas of the county wherein the proposed strip mining operation or the larger part thereof was to be conducted. A copy of such appeal petition shall be filed with the Department of Mines. The various courts of common pleas in the Commonwealth are hereby vested with jurisdiction to hear and determine such appeals de novo and any decision by such courts as to whether a permit should be issued or refused shall be final.

Section 6 Department to Adopt Rules and Regulations and Enforce Act The Department of Mines is hereby authorized to adopt such reasonable rules and regulations as may be necessary for the proper administration of this act.

It shall be the duty of the various mine inspectors in the Department of Mines to investigate and examine strip mining operations in the respective areas to which they are assigned and to make such reports and recommendations to the Secretary of Mines as may be necessary for the enforcement of this act.

Section 7 Forfeiture of Bond Upon failure of the holder of any permit to fulfill the conditions of the bond filed in securing such permit the bond shall be forfeited and shall be turned over to the Department of Justice in

order that judgment may be confessed or suit instituted thereon as the Attorney General may determine.

Section 8 Penalties Any person firm association or corporation failing to post the strip mining permit as hereinbefore required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than fifty dollars (\$50) or to undergo imprisonment of not more than ten (10) days or both in the discretion of the court.

Any person firm association or corporation conducting any strip mining operation without securing the permit required by this act or conducting any strip mining operations on areas not covered by the permit secured or otherwise violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment of not more than one (1) year or both in the discretion of the court.

Each day's failure to comply with the provisions of this act shall constitute a separate and distinct offense punishable as herein provided.

Section 9 Injunction The Attorney General at the request of the Department of Mines may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of strip mining operations in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon that court. In such case the Attorney General shall not be required to give bond.

Section 10 Effective Date This act shall become effective sixty days after final enactment and shall apply to every strip mining operation started or undertaken after the expiration of such sixty day period and to every extension of existing strip mining operations into new areas occurring after the expiration of said sixty day period.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Carbon, Mr. Dolon.

The SPEAKER. Will the gentleman from Carbon permit himself to be interrogated?

Mr. DOLON. Mr. Speaker, I yield to the gentleman from Luzerne, Mr. Gallagher.

The SPEAKER. The gentleman from Carbon, Mr. Dolon yields to the gentleman from Luzerne, Mr. Gallagher. Does the gentleman from Philadelphia desire to interrogate the gentleman from Luzerne, Mr. Gallagher?

Mr. SHEPARD. Yes, Mr. Speaker, I would like to interrogate the gentleman.

The SPEAKER. The gentleman from Philadelphia will proceed.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Luzerne if this bill would not bring about some increase in the price of anthracite coal?

Mr. GALLAGHER. Mr. Speaker, I do not think so.

Mr. SHEPARD. That is all.

Mr. Speaker, in reading over this bill and from what I have been told by persons familiar with mining processes, this bill will ultimately cause a rise in the price of anthracite coal to the consumers. We have voted for several bills supposedly to better conditions among the miners, but there are times when we must call a halt because of the fact that this is going to bring about an increase in the price of coal to the consumer at a time when the cost of living is gradually going up. We can ill afford to bring about today anything which will cause a rise

in the price of coal, particularly to the people on relief in some of our large cities. As much as we would desire to help out the coal districts we cannot afford to do so at this time at the expense of the people on relief and many of the consumers in our cities. I understand there is a possibility something can be worked out along this line to help out the situation without bringing about the resultant increase in the price of coal.

MOTION TO RECOMMIT

Mr. SHEPARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. GALLAGHER. Mr. Speaker, I believe every method known has been attempted for some unknown reason to have this bill put back into Committee for the purpose of a natural death. I do not agree with the gentleman from Philadelphia, Mr. Shepard, when he says this bill will add an additional cost to the consumer of anthracite, because I believe this bill, if enacted into law, will not even cause a hardship or additional cost of any account on the anthracite operator. As I understand this bill, the bill only requires the stripping contractor to put back into the stripping the rock and soil they have removed as overburden from the coal. That is done as the coal is taken out.

Mr. Speaker, any one who has had the opportunity to witness stripping operations will know all that would be required by the contractor is to have a bulldozer, and the great majority of stripping contractors have bulldozers right on the job, and all that is required is possibly one shift, a shift of seven hours, to put back into this stripping the overburden the other two shifts of that particular stripping put out on the bank.

Mr. Speaker, I might say that any of you gentlemen who have had occasion to drive up through the anthracite region have noticed on the highways many large strippings and many high banks that have been placed there by the removal of the soil and rock from those strippings. All this bill asks the stripping contractors to do is to put that back. Strippings at this time are at the back door of the people living in the anthracite region. This bill requires those strippings to be filled so they will not accumulate water and become a hazard to people who are walking from their neighbor's door or people who want to cross the street. Eventually, these people will have to go up a bank, down the stripping, over on the other side to the other bank in order to get across the street. That is all this bill is going to do. We have heard many men in this House ask the question in reference to silt banks in reference to old strippings. This does not force contractors who have already abandoned their stripping work to go back and fill their stripping. The only thing this bill does, it takes care of the immediate stripping.

If the gentleman from Philadelphia is interested in this bill, he can help by giving his assistance to the people in the anthracite region or to the people in the bituminous region, I believe, in trying to have federal projects put into the anthracite and bituminous regions by the Federal Government, whereby these silt banks may be put back into the strippings, and the water that is now ly-

ing there dead, creating all kinds of hazards to the school children, inducing the school children to use those same strippings as swimming holes, then I think the gentleman from Philadelphia will be doing something that will be of benefit to the people of the anthracite and bituminous regions.

Mr. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Luzerne, Mr. Gallagher.

The SPEAKER. Will the gentleman from Luzerne permit himself to be interrogated?

Mr. GALLAGHER. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Luzerne how long have these holes been in that section of the State?

Mr. GALLAGHER. Mr. Speaker, I might say some of them have been there twenty or twenty-five years and others are being made at the present time. I might further answer the gentleman by saying at the present time mining in the anthracite region has been petering out to the extent that the majority of these strippings are right there in the community, the towns, cities and boroughs where people are living.

Mr. SHEPARD. Mr. Speaker, if the people have been going around these holes for twenty or twenty-five years, in view of the increased cost of living, I think they might go around them a little while longer without a great deal of handicap. At the same time I would certainly be in favor of having a W. P. A. project close up those holes, but at the same time, I cannot see the wisdom of causing extra shifts in the coal fields that will ultimately bring about a higher price of coal for the consumers at a time when they can ill afford it.

Therefore, I ask the Members of the House to recommit this bill in order that it might be given an opportunity for further study. It may be that something can be worked out to take care of the situation, and at the same time not bring about an increase in the price of coal to the people on relief and to the people in our large cities who are going to face additional hardships this winter anyway because of the increase in other prices in the cost of living. We might save them this cost for the time being. I ask the Members of the House to vote to recommit this bill.

Mr. LOVETT. Mr. Speaker, I rise to oppose the motion to recommit this bill. As one coming from the soft coal region, we have had in our territory these strippings where they pile up ten, twelve, fifteen or twenty feet high along the highways of the stripping project. We have bills in this House, we have the women's organizations throughout the State introducing bills to eliminate signs along our highways, because they are destroying the beauty of the state of Pennsylvania. If any of you people who are interested in the beauty of the state of Pennsylvania, will go out and look along our highways where the stripping operations are being performed, I think you will agree with me that they are not helping to beautify the state of Pennsylvania.

My good friend, the gentleman from Philadelphia, Mr. Shepard, is worried about the increased cost of coal to the people of the State of Pennsylvania at this particular time. I might say to Mr. Shepard that regardless of whether these stripping companies must put back into place the earth they take out it will not make much difference so far as making the people of the State pay

more money for coal is concerned. Mr. Shepard says that he would be in favor of a W. P. A. project to fill up these holes. Does the gentleman realize that the people of the state of Pennsylvania and the taxpayers pay for W. P. A. work that is done, not only in this state but in every state. I say to the gentleman from Philadelphia, Mr. Shepard, as one who has always fought in the interests of the people since I have been in Harrisburg, that the people of the state should not be compelled to fill up the holes that are left after these mining corporations take out the coal and make big profits.

For that reason I rise to oppose this motion, because I feel there will be very little added cost to the strippers who put back the earth that they remove at the time they take the coal out of these holes. It is a matter involving a very short time. Those places can be beautified and made to look almost as they did before. For that reason I ask the Members of the House to oppose the motion to recommit this bill.

Mr. SHEPARD. Mr. Speaker, I desire to interrogate the gentleman from Westmoreland, Mr. Lovett.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. LOVETT. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I desire to ask the gentleman from Westmoreland suppose the operators are required to put back the earth into these holes, will there be enough earth to completely fill up the holes. Won't there still be a hole left there just the same?

Mr. LOVETT. Mr. Speaker, I might say in answer to the gentleman from Philadelphia, there possibly would be some ravine still left, but over a period of time you would hardly notice the difference in those particular sections, but as it is today it would be impossible to grow trees or anything else, because the good earth is at the bottom and the stones are on the top.

Mr. SHEPARD. Mr. Speaker, if they take out one hundred tons of coal and then they put back the earth that has been removed, with what will they fill the rest of the hole.

Mr. LOVETT. Mr. Speaker, I must say to the gentleman from Philadelphia while there will be nothing left to fill up the rest of the hole but air, I say to him that the mountain of earth they put back into the hole at least is not facing the public highway.

Mr. SHEPARD. In other words, Mr. Speaker, we will still have the hole. Additional work will have been done and additional cost will have been passed on to the consumer and the hole will still be there. I think if we recommit this bill a better way can be worked out without bringing about an increase in the price of coal to the consumer and we will ultimately find a way by which the hole can be completely filled up.

Mr. WILLIAMS. Mr. Speaker, I did not expect to take the floor on this particular bill, but I might say for the information of the Members of the House that I oppose the motion to recommit it. I come from the bituminous mining field and I want to dispute the point that Mr. Shepard raised when he said this would increase the price of coal, and due to the fact that the cost of living is going up, it would be a burden on the poor class of people throughout the state of Pennsylvania and the nation.

I might say for the information of the Members of the House that strip mining is done for about half the

cost of mining which takes place underneath the hills. We have large overhead expenses in the other forms and methods of mining that the stripping operators are able in their stripping operations to take the top off the coal and remove it with just about half the cost. They have large steam shovels that take out as high as three or four tons in one lift, and therefore it is not going to increase the cost of coal because of the fact that the stripping operators today are selling their coal at the same price as the other operators in the bituminous fields. They would not dare increase the cost over and above what the other operators sell their coal for, because of the fact that they would lose their markets if they did.

Mr. Speaker, I might further say that a great many of you gentlemen probably do not know the way a coal bed lies under the ground. This is known as crop coal where it comes out near the surface. In most instances it is level. In other types of mines the coal rolls, it is either up-grade or down-grade. In some places it is steeply inclined, but in these places it is mostly level. They may have perhaps twenty-five or thirty men. If they work it properly, they can take out their first stripping, as they call it, and after that they can take their shovel right on top of the coal bed, and take the dirt and place it in the hole out of which they have already taken the coal. In so doing they can make it uniform without using a bulldozer, because these gentlemen who operate the steam shovels and the electric shovels, can do a wonderful job in moving earth. Therefore, Mr. Speaker, I see no justification in recommitting this bill. It is a good bill.

Mr. Speaker, I might further say for the information of the Members of the House that the Coal Operators' Association, the mine stripping coal operators' association in Washington and Beaver counties are in favor of this bill. They want to see it passed so there might be some regulation on strip mine operations.

Mr. LOVETT. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I shall, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, may I ask the gentleman from Philadelphia if he has ever seen one of these stripping operations?

Mr. SHEPARD. Mr. Speaker, I have not seen the stripping operation but I have seen some of the holes up there.

Mr. LOVETT. Mr. Speaker, may I ask the gentleman if he has ever seen some of the mountains they pile up along side of the hole.

Mr. SHEPARD. Yes, Mr. Speaker, I have seen some of them.

Mr. LOVETT. Mr. Speaker, would the gentleman from Philadelphia rather have a big hole or a small hole?

Mr. SHEPARD. Mr. Speaker, in reply to the gentleman from Philadelphia, I would rather not have any hole at all, but if it is a question between whether we shall have a small hole or no hole, and having the people in the cities keep warm at reasonable prices, I say let the hole stay there a while so that the people may get warm at reasonable prices. People all like to see the state of Pennsylvania beautified but this is no time for beauty. This is the time for us to try to keep the price of living down so that people can live through this emergency and later on when we get out of this emergency, when we

have plenty of money and we have plenty of time we can spend it on projects to beautify the state of Pennsylvania.

Mr. LOVETT. Mr. Speaker, did the gentleman from Philadelphia, Mr. Shepard, ever try to dig a hole in the ground and then try to put the ground back in the hole he dug?

Mr. SHEPARD. Yes, I have, Mr. Speaker.

Mr. LOVETT. Mr. Speaker, did the gentleman get all the dirt back into the hole he dug?

Mr. SHEPARD. Sometimes, Mr. Speaker, I didn't want it all back in there.

Mr. LOVETT. Mr. Speaker, will the gentleman from Philadelphia please answer my question? Can he put it back?

Mr. SHEPARD. Yes, I can, Mr. Speaker, if I try hard enough, but it requires a great deal of extra effort that I do not care to expend.

Mr. LOVETT. That is all, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I shall, Mr. Speaker.

Mr. GALLAGHER. Mr. Speaker, I would like to know what the position of the gentleman from Philadelphia would be if W. P. A. or some other crew would dig a hole fifty or sixty feet deep either in front or in back of his home, and then decide they were going to leave it there for the rest of possibly Mr. Shepard's life.

Mr. SHEPARD. Mr. Speaker, I cannot answer that question. They would have a difficult time digging that hole, or finding that much space in front of my house or behind it either, to dig a hole of that size, but in case of emergency I would just go around that hole until such a time as we could get it filled up.

Mr. GALLAGHER. Mr. Speaker, I would like the gentleman from Philadelphia to answer the question. I did not hear his answer.

Mr. SHEPARD. Mr. Speaker, I would like the gentleman from Luzerne to ask the question again.

Mr. GALLAGHER. Mr. Speaker, I would like to know what would be the position of the gentleman from Philadelphia if WPA or some other crew dug a hole fifty or sixty feet in depth, either in the front or back of his home, and then having dug the hole decide to leave it there until possibly Mr. Shepard's death, and there wouldn't be any coming back to fill it up. I would like to know what the gentleman from Philadelphia would think about that?

Mr. SHEPARD. Mr. Speaker, being desirous of creating as much WPA work as possible I would seek to get another WPA project started to put back the dirt into the hole.

Mr. GALLAGHER. Mr. Speaker, I would appreciate if the gentleman from Philadelphia would answer my question.

Mr. SHEPARD. Mr. Speaker, I would consider it an opportunity to get more people employed putting the dirt back into the hole. That is the only way I can answer the gentleman's question. I do not know how I would feel. That is a matter of psychology. I don't know how I would feel. If that is what the gentleman is asking, I cannot answer his question.

Mr. GALLAGHER. That is all, Mr. Speaker. I thank the gentleman.

Mr. SHEPARD. Mr. Speaker, if it were hot weather and there were water there, I might feel it would be an opportunity for me and the kiddies to go out and take a swim, rather than go out to the swimming hole. I do not know how I would feel at the time.

Mr. GALLAGHER. Mr. Speaker, Mr. Shepard has raised the question of the cost of coal to the consumer if this bill were enacted into law. Let me say to the Members of this House it is my opinion this bill will not add any additional cost to a ton of coal. I base that, Mr. Speaker, on the fact that ten or fifteen years ago in the anthracite region stripping contractors were paid by the yard for the removal of this overburden on the coal. At that time they had employed on the shovel possibly ten or eleven men. The stripping contractors in late years have been buying new equipment, more modern equipment, and by doing that they have displaced possibly eight or nine of those men, and because of that fact, they have entered into competition among themselves that has been more or less cut-throat competition. However, at this particular time, the stripping contractors in the anthracite region are not paid for overburden, but are paid by the car for coal received from that stripping. The cost of that coal has not been made any greater, in fact it has been reduced to the extent of possibly nine or ten employees. These stripping contractors when they start to strip a certain area, when they get enough overburden off that they reach the coal they have these bulldozers there and they use them to make runways down into the stripping for the trucks, and we who have seen that process know it is not going to add additional cost to the ton of coal to the consumer.

With that thought in mind, Mr. Speaker, I ask the Members on both sides of the House to oppose the motion to recommit this bill and, Mr. Speaker, I ask for a roll call.

Mr. BONEY. Mr. Speaker, I rise to oppose this motion to recommit. The only sad feature of this bit of legislation today is that it was not done twenty or twenty-five years ago. These strippings have a tendency to decrease the valuation of properties in the respective boroughs in which these stripping operations exist. They cause an unsightly nuisance. In the district I represent, we have had a number of stripping operations in the past and the debris and the dirt that has been excavated from these strippings has arisen in mounds almost as high as the ceiling of this hall. When the wind blows it creates a terrible dust nuisance; when it rains it has a tendency to wash dirt into the highways, and that there are not more serious accidents and fatalities is a miracle. They strip right out to the edge of the road and after they have finished their stripping work, they construct a small delicate wire fence. In some cases we have men go through them with automobiles, and some have been killed or seriously injured. In some cases stagnant water accumulates. Children have gone swimming in them and have been drowned. Therefore, I say, Mr. Speaker, this piece of legislation has been late in coming, but although late it is very good.

Before I arose I had a letter handed to me. It is postmarked Hawthorne, Pennsylvania. The letter says:

"There has been some strip coal mining done in the borough. It has left some water holes which

are filled up to several feet deep with red sulphur water and in summer it is a breeding place for mosquitoes and gives off a bad smell. Also as these strip mines are above the town it is believed that the sulphur water is seeping down into the wells of the borough, in fact some are unfit for use now."

Under those circumstances, Mr. Speaker and gentlemen of the House, I ask you to oppose this motion to recommit.

Mr. REGAN. Mr. Speaker, I rise to oppose the motion to recommit this bill on the ground that one bill was re-committed last night, House Bill 492, which was forgotten about by the members of the Anthracite Producers Association in consideration of House Bill 788. I feel sure if the Members of this House want to do a real service they will oppose the motion to recommit this bill, and pass this legislation.

I realize that the gentlemen who spoke before me have well described this situation and I sincerely hope the Members of this House will oppose this motion and pass this bill.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. Gallagher and Mr. Boney.

Messrs. MAXWELL, LESKO and PETROSKY asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—64

Auker,	Finestone,	Knoble,	Rosenfeld,
Boorse,	Finnerty,	Kolankiewicz,	Sarge,
Bower,	Greenwood,	Lee, E. A.,	Schwab,
Bretherick,	Gyger,	Lelsey,	Shepard,
Brunner, C. H.,	Haines,	Levy,	Skale,
Burris,	Hare,	McClanaghan,	Snyder,
Cadwalader,	Helm,	McDowell,	Sorg,
Chudoff,	Hering,	Melchiorre,	Tate,
Cochran,	Herman,	Monks,	Taylor,
DiGenova,	Hersch,	O'Mullen,	Thompson, E. F.,
D'Ortona,	Huntley,	Prosen,	Voldow,
Duffy,	Imbrie,	Rank,	Welsh, E. B.,
Eckels,	James,	Reagan,	Wood, L. H.,
Elder,	Jefferson,	Reese, D. P.,	Wood, N.,
Ely,	Jones, G. E.,	Rooney,	Young,
Falkenstein,	Kline,		Kilroy, Speaker.

NAYS—97

Achterman,	Gallagher,	Longo,	Pettit,
Baker,	Gates,	Lovett,	Polaski,
Balthaser,	Gerard,	Malloy,	Polen,
Baughner,	Gillette,	Maxwell,	Powers,
Bentley,	Goodwin,	McClester,	Rausch,
Bentzel,	Gross,	McDermott,	Readinger,
Boney,	Gryskewicz,	McFall,	Reese, R. E.,
Bradley,	Haberlen,	McIntosh,	Regan,
Breth,	Hall,	McLanahan,	Rose, W. E.,
Brown,	Hamilton,	McLane,	Serrill,
Brunner, P. A.,	Harkins,	McMillen,	Shaffer,
Chervenak,	Harmuth,	McSurdy,	Simons,
Cohen, M. M.,	Harris,	Modell,	Stank,
Cordier,	Heatherington,	Mooney,	Stine,
Croop,	Hirsch,	Moran,	Tarr,
Cullen,	Holland,	Moul,	Thompson, R. L.,
Dalrymple,	Jones, P. N.,	Muir,	Trout,
Dlx,	Keenan,	Munley,	Turner,
Dolon,	Kenehan,	Nagel,	Vincent,
Early,	Komorowski,	O'Connor,	Weiss,
Elliot,	Lee, T. H.,	O'Dare,	Williams,
Fiss,	Leonard,	O'Neill,	Woodring,
Fleming,	Lesko,	Owens,	Wright,
French,	Lichtenwalter,	Petrosky,	Yester,

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. DOLON, PETROSKY and PAUL A. BRUNNER asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—113

Achterman,	French,	Lyons,	Reese, R. E.,
Baker,	Gallagher,	Malloy,	Regan,
Balthaser,	Gates,	Maxwell,	Rhea,
Baughner,	Gerard,	McClester,	Rose, W. E.,
Bentley,	Goodwin,	McDermott,	Rush,
Bentzel,	Gross,	McFall,	Serrill,
Boies,	Gryskewicz,	McIntosh,	Shaffer,
Boney,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Stank,
Breth,	Haines,	McMillen,	Stine,
Brown,	Hall,	McSurdy,	Tarr,
Brunner, P. A.,	Hamilton,	Mooney,	Taylor,
Chervenak,	Harkins,	Moran,	Thompson, R. L.,
Cohen, M. M.,	Harmuth,	Moul,	Trout,
Cooper,	Harris,	Muir,	Van Allsburg,
Cordier,	Heatherington,	Munley,	Vincent,
Corrigan,	Hirsch,	Nagel,	Vogt,
Croop,	Holland,	O'Connor,	Voorhees,
Cullen,	Jones, P. N.,	O'Dare,	Watkins,
Dalrymple,	Keenan,	O'Neill,	Weingartner,
Dlx,	Kenehan,	Owens,	Weiss,
Dolon,	Knoble,	Petrosky,	Welsh, E. B.,
Early,	Komorowski,	Pettit,	Welsh, M. J.,
Eckels,	Leonard,	Polaski,	Wilkinson,
Elliot,	Lesko,	Polen,	Williams,
Fiss,	Leydic,	Powers,	Winnier,
Fleming,	Longo,	Rausch,	Woodring,
Fletcher,	Lovett,	Readinger,	Wright,
			Yester,

NAYS—50

Auker,	Finestone,	Lelsey,	Scanlon,
Boorse,	Finnerty,	Levy,	Schwab,
Bower,	Greenwood,	Lichtenwalter,	Shepard,
Bretherick,	Gyger,	McClanaghan,	Skale,
Brunner, C. H.,	Hare,	McDowell,	Snyder,
Chudoff,	Hering,	Melchiorre,	Sorg,
Cochran,	Hersch,	Monks,	Tate,
Cohen, R. E.,	Hewitt,	O'Mullen,	Thompson, E. F.,
D'Ortona,	Huntley,	Prosen,	Wood, N.,
Duffy,	Imbrie,	Rank,	Young,
Elder,	James,	Rooney,	Kilroy,
Ely,	Kolankiewicz,	Sarge,	Speaker.
Falkenstein,	Lee, E. A.,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1437, as follows:

An Act to further amend section one thousand four hundred and thirty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" further providing for home and school visitors and attendance officers and for their compensation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand four hundred and thirty-two of the act approved the eighteenth day of May

one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section seventeen of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2560) is hereby further amended to read as follows

Section 1432 The board of school directors of every school district in this Commonwealth of the first second or third class shall and in any school district of the fourth class may employ one or more persons to be known as attendance officers or home and school visitors whose duties shall be to enforce the provisions of this act regarding compulsory attendance Such attendance officers or home and school visitors shall in addition to the duties imposed upon them by the provisions of this act have full police power without warrant and may arrest or apprehend any child who fails to attend school in compliance with the provisions of this act or who is incorrigible insubordinate or disorderly during attendance at school or on his way to or from school Provided That all home and school visitors and attendance officers whose selection originally was made from eligibility lists compiled from results of competitive examinations shall be legally certified as [such] home and school visitors by the Department of Public Instruction upon meeting such requirements as [shall be] are presently prescribed by the State Council of Education And provided further That the Department of Public Instruction shall certify as home and school visitors all attendance officers having twelve years' experience and whose original selection was made from eligibility lists and when so certified any district employing such home and school visitors or attendance officers so certified shall be reimbursed for their salaries on the same basis as they are now reimbursed for elementary school teachers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Flynn,	Leydie,	Rhea,
Auker,	Foor,	Lichtenwalter,	Rooney,
Baker,	French,	Longo,	Rose, W. E.,
Balthaser,	Gallagher,	Lovett,	Rosenfeld,
Baughner,	Gates,	Lyons,	Royer,
Bentley,	Gerard,	Malloy,	Rush,
Bentzel,	Gillan,	Maxwell,	Sarge,
Boles,	Gillette,	McClanaghan,	Sarra,
Boney,	Goodwin,	McClester,	Scanlon,
Boorse,	Greenwood,	McDermott,	Schwab,
Bower,	Gross,	McDowell,	Serrill,
Bradley,	Gryskewicz,	McFall,	Shaffer,
Breth,	Gyger,	McGrath,	Shaw,
Bretherick,	Habbyshaw,	McIntosh,	Shepard,
Brown,	Haberen,	McKinney,	Simons,
Brunner, C. H.,	Haines,	McLanahan,	Skale,
Brunner, P. A.,	Hamilton,	McLane,	Sorg,
Burns,	Hare,	McMillen,	Stambaugh,
Burriss,	Harkins,	McSurdy,	Stank,
Cadwalader,	Harmuth,	McChiorre,	Stine,
Chervenak,	Harris,	Modell,	Stockham,
Chudoff,	Heatherington,	Monks,	Tarr,
Cochran,	Helm,	Mooney,	Tate,
Cohen, M. M.,	Hering,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Moul,	Thompson, R. L.,
Cook,	Hersch,	Muir,	Trout,
Cooper,	Hewitt,	Munley,	Turner,
Cordier,	Hirsch,	Nagel,	Verona,
Corrigan,	Holland,	Nunemacher,	Vincent,
Croop,	Huntley,	O'Brien,	Vogt,
Cullen,	Imbrie,	O'Connor,	Voldow,

Dalrymple,	James,	O'Dare,	Voorhees,
Dennison,	Jefferson,	O'Mullen,	Wagner,
DiGenova,	Jones, G. E.,	O'Neill,	Watkins,
Dolon,	Jones, P. N.,	Owens,	Weingartner,
D'Ortona,	Keenan,	Petrosky,	Weiss,
Duffy,	Kenehan,	Pettit,	Welsh, E. B.,
Early,	Kline,	Polaski,	Welsh, M. J.,
Eckels,	Knoble,	Polen,	Williams,
Elder,	Kolankiewicz,	Powers,	Winner,
Elliott,	Komorowski,	Prosen,	Wolf,
Ely,	Krise,	Rank,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Rausch,	Woodring,
Finestone,	Lee, T. H.,	Readinger,	Woodside,
Finnerty,	Leisey,	Reagan,	Wright,
Fisher,	Leonard,	Reese, D. P.,	Yeakel,
Fleming,	Lesko,	Reese, R. E.,	Yester,
Fletcher,	Levy,	Regan,	Young,
		Reynolds,	Kilroy, Speaker.

NAYS—5

Dix,	Taylor,	VanAllsburg,	Wood, N.,
Hall,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 94, as follows:

An Act to amend section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils teachers janitors or other employees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fifteen hundred and nine of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 1509 No person having tuberculosis of the lungs shall be a pupil teacher janitor or other employee in any public school unless it be a special school carried on under the regulations made for such schools by the Commissioner of Health The board of directors of any school district may appropriate such funds as may be necessary to pay for X-ray or other medical examinations to determine the presence or absence of tuberculosis in any pupil teacher janitor or other employee of the district

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flynn,	Leydic,	Rooney,
Auker,	Foor,	Lichtenwalter,	Rose, W. E.,
Baker,	French,	Longo,	Rosenfeld,
Balthaser,	Gallagher,	Lovett,	Royer,
Baughner,	Gates,	Lyons,	Rush,
Bentley,	Gerard,	Malloy,	Sarge,
Bentzel,	Gillan,	Maxwell,	Sarrafi,
Boles,	Gillette,	McClanaghan,	Scanlon,
Boney,	Goodwin,	McClester,	Schwab,
Boorse,	Greenwood,	McDermott,	Serrill,
Bower,	Gross,	McDowell,	Shaffer,
Bradley,	Gryskewicz,	McFall,	Shaw,
Breth,	Cyger,	McGrath,	Shepard,
Bretherick,	Habbyshaw,	McIntosh,	Simons,
Brown,	Haberlen,	McKinney,	Skale,
Brunner, C. H.,	Haines,	McLanahan,	Sorg,
Brunner, P. A.,	Hall,	McLane,	Stambaugh,
Burns,	Hamilton,	McMillen,	Stank,
Burris,	Hare,	McSurdy,	Stine,
Cadwalader,	Harkins,	Melchiorre,	Stockham,
Chervenak,	Harmuth,	Modell,	Tarr,
Chudoff,	Harris,	Monks,	Tate,
Cochran,	Heatherington,	Mooney,	Taylor,
Cohen, M. M.,	Heim,	Moran,	Thompson, E. F.,
Cohen, R. E.,	Hering,	Moul,	Thompson, R. L.,
Cook,	Herman,	Muir,	Trout,
Cooper,	Hersch,	Munley,	Turner,
Cordier,	Hewitt,	Nagel,	VanAlsbury,
Corrigan,	Hirsch,	Nunemacher,	Verona,
Croop,	Holland,	O'Brien,	Vincent,
Cullen,	Huntley,	O'Connor,	Vogt,
Dalrymple,	Imbrie,	O'Dare,	Voldow,
Dennison,	James,	O'Mullen,	Voorhees,
DiGenova,	Jefferson,	O'Neill,	Wagner,
Dix,	Jones, G. E.,	Owens,	Watkins,
D'Ortona,	Jones, P. N.,	Petrosky,	Weingartner,
Dolon,	Keenan,	Pettit,	Weiss,
Duffy,	Kenehan,	Polaski,	Welsh, E. B.,
Early,	Kline,	Polen,	Welsh, M. J.,
Eckels,	Knoble,	Powers,	Williams,
Elder,	Kolankiewicz,	Prosen,	Winner,
Elliot,	Komorowski,	Rank,	Wolf,
Ely,	Krise,	Rausch,	Wood, L. H.,
Falkenstein,	Lee, E. A.,	Readinger,	Wood, N.,
Finestone,	Lee, T. H.,	Reagan,	Woodring,
Finnerty,	Lelsey,	Reese, D. P.,	Woodside,
Fisher,	Leonard,	Reese, R. E.,	Wright,
Fleming,	Lesko,	Regan,	Yeakel,
Fletcher,	Levy,	Reynolds,	Yester,
		Rhea,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 786, as follows:

An Act to further amend section forty-three of the act approved the seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violations thereof" by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section forty-three of the act approved the

seventh day of June one thousand nine hundred and one (P. L. 493) entitled "An act providing for the examination licensure and registration of persons firms or corporations engaged or engaging in the business or work of plumbing or house drainage and prescribing certain rules and regulations and requirements for the construction of plumbing house drainage and cesspools in cities of the second class and imposing fines penalties and forfeitures for violation thereof" as last amended by the act approved the thirty-first day of March one thousand nine hundred and thirty-seven (P. L. 168) is hereby further amended to read as follows

Section 43 The closet and all other fixtures except sinks must be set open and free from all enclosing woodwork In tenement-houses and lodging-houses sinks must be entirely open set on iron legs or brackets without any enclosing woodwork Iron enameled water-proof cabinets are permissible under [sinks and] all lavatories and under sinks in tenement-houses and lodging-houses

Any fixture removed from service either to be discarded or replaced with new by any owner must have the inspected approval of the inspection department of plumbing under whose jurisdiction it is/was at time of removal before it can be reinstalled If after inspection it is found to conform with proper standard so as not to create a potential hazard to public or private health It may be labeled numbered and certificate issued for its reinstallation with no other limitations reserved No u.s.d plumbing fixture intended for sanitary purposes or any that may be connected to the domestic water system of any dwelling or building can be installed without the inspection approval of the department of plumbing or board or bureau of health

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Foor,	Lichtenwalter,	Rose, W. E.,
Auker,	French,	Longo,	Rosenfeld,
Baker,	Gallagher,	Lovett,	Royer,
Balthaser,	Gates,	Lyons,	Rush,
Baughner,	Gerard,	Malloy,	Sarge,
Bentley,	Gillan,	Maxwell,	Sarrafi,
Bentzel,	Gillette,	McClanaghan,	Scanlon,
Boles,	Goodwin,	McClester,	Schwab,
Boney,	Gross,	McDermott,	Serrill,
Boorse,	Gryskewicz,	McDowell,	Shaffer,
Bower,	Cyger,	McFall,	Shaw,
Bradley,	Habbyshaw,	McGrath,	Shepard,
Breth,	Haberlen,	McIntosh,	Simons,
Bretherick,	Haines,	McKinney,	Skale,
Brown,	Hall,	McLanahan,	Sorg,
Brunner, C. H.,	Hamilton,	McLane,	Stambaugh,
Brunner, P. A.,	Hare,	McMillen,	Stank,
Burns,	Harkins,	McSurdy,	Stine,
Burris,	Harmuth,	Melchiorre,	Stockham,
Cadwalader,	Harris,	Modell,	Tarr,
Chervenak,	Heatherington,	Monks,	Tate,
Chudoff,	Heim,	Mooney,	Taylor,
Cochran,	Hering,	Moran,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Moul,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Muir,	Trout,
Cook,	Hewitt,	Munley,	VanAlsbury,
Cooper,	Hirsch,	Nagel,	Verona,
Cordier,	Holland,	Nunemacher,	Vincent,
Corrigan,	Huntley,	O'Brien,	Vogt,
Croop,	Imbrie,	O'Connor,	Voldow,
Cullen,	James,	O'Dare,	Voorhees,
Dalrymple,	Jefferson,	O'Mullen,	Wagner,
Dennison,	Jones, G. E.,	O'Neill,	Watkins,
DiGenova,	Jones, P. N.,	Owens,	Weingartner,
Dix,	Keenan,	Pettit,	Weiss,
D'Ortona,	Kenehan,	Polaski,	Welsh, E. B.,
Dolon,	Kline,	Polen,	Welsh, M. J.,
Duffy,	Knoble,	Powers,	Williams,
Early,	Kolankiewicz,	Prosen,	Winner,
Eckels,	Komorowski,	Rank,	Wolf,
Elder,		Rausch,	

Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fleming, Fletcher, Flynn,	Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Turner,	Readinger, Reagan, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Rooney, NAYS—1	Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
---	--	--	--

NAYS—1

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1559, as follows:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Departments of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by including therein military police and certain other persons in the armed service of the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "Peace Officer" as set forth in section one hundred and two of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 102 Definitions The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning

* * *

"Peace Officer" A sheriff deputy sheriff constable member of the Pennsylvania State Police State Highway Patrolman or other police officer vested with authority of arrest and such officers and soldiers of the United States Army and Pennsylvania National Guard who are designated as military police or traffic control guards while engaged conveying or transporting troops animals equipment or other army impedimenta upon any highway in this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman, Auker, Baker, Balthaser, Baugher, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Breth, Bretherick, Brown, Brunner, C. H., Brunner, F. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cochran, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan, Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Eckels, Elder, Elliott, Ely, Falkenstein, Finestone, Finnerty, Fisher, Fleming, Fletcher,	Flynn, Foor, French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Gyger, Habbyshaw, Haberlen, Haines, Hall, Hamilton, Hare, Harkins, Harmuth, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Hirsch, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E., Jones, P. N., Kanan, Kenehan, Kline, Knoble, Kolankiewicz, Komorowski, Krise, Lee, E. A., Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic,	Lichtenwalter, Longo, Lovett, Lyons, Malloy, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McKinney, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Modell, Monks, Mooney, Moran, Moul, Muir, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill, Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Reagan, Readinger, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Rooney,	Rose, W. B., Rosenfeld, Royer, Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shepard, Shaw, Simons, Skale, Sorg, Stambaugh, Stank, Stine, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, Van Allsburg, Verona, Vincent, Vogt, Voldow, Voorhees, Wagner, Watkins, Weingartner, Weiss, Welsh, E. B., Welsh, M. J., Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker.
---	---	--	--

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

FORMER MEMBERS WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the gentleman from Montgomery, Mr. John H. Longaker, and the gentleman from Somerset, Mr. Charles I. Shaffer.

BILL PASSED OVER

There being no objection House Bill No. 568, Printer's No. 683, was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 820, as follows:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" which was last amended by section one of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1151) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act each retail vender of or retail dealer in goods wares and merchandise shall pay an annual mercantile license tax of two dollars and all persons so engaged shall pay one mill additional on each dollar of the whole volume gross of business transacted annually Each wholesale vender of or wholesale dealer in goods wares and merchandise shall pay an annual mercantile license tax of three dollars and all persons so engaged shall pay one-half mill additional on each dollar of the whole volume gross of business transacted annually Provided That the provisions of this section shall not apply to the taxation for mercantile license purposes of (a) manufacturers or mechanics vending goods of their manufacture from their factories or workshops but manufacturers and mechanics shall be required to pay the mercantile license tax upon such portion of their business as is transacted at stores or warehouses apart from their factories or workshops for the purpose of vending their goods nor (b) of wholesale vendors or wholesale dealers so engaged in the business of the processing and curing of meats their products and by-products or retail vendors or retail dealers engaged in compounding and dispensing medicines on prescriptions of physicians but every wholesale vender or wholesale dealer so engaged and every such retail vender or retail dealer so engaged shall pay the mercantile license tax herein imposed upon such proportion of its business if any which is not strictly incident or appurtenant to the processing and curing of meats their products and by-products or the compounding and dispensing of medicines on prescriptions of physicians as the case may be it [being] is the object of this proviso to relieve from the mercantile li-

cense tax only so much of the whole volume gross of business annually of manufacturers and mechanics as is transacted at their factories and workshops and so much of the whole volume gross of business transacted annually by wholesale vendors or dealers as is realized from the processing and curing of meats their products and by-products and so much as is realized from the compounding and dispensing of medicines on prescriptions of physicians by retail vendors or dealers Each dealer in or vender of goods wares or merchandise at any exchange or board of trade shall pay a mercantile license tax of twenty-five cents on each thousand dollars worth gross of goods so sold

Section 2 The provisions of this act shall operate prospectively and retroactively and shall be construed to exempt from the payment of the mercantile license tax manufacturers and mechanics for each and every year prior to the effective date of this act as to business transacted at their factories and workshops

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Longo,	Rosenfeld,
Auker,	French,	Lovett,	Royer,
Baker,	Gallagher,	Lyons,	Rush,
Balthaser,	Gates,	Malloy,	Sarge,
Baugher,	Gerard,	Maxwell,	Sarraf,
Bentley,	Gillan,	McClanaghan,	Scanlon,
Bentzel,	Gillette,	McClester,	Schwab,
Boles,	Goodwin,	McDermott,	Serrill,
Boney,	Greenwood,	McDowell,	Shaffer,
Boorse,	Gross,	McFall,	Shaw,
Bower,	Gryskewicz,	McGrath,	Shepard,
Bradley,	Gyger,	McIntosh,	Simons,
Breth,	Habbyshaw,	McKinney,	Skale,
Bretherick,	Haberlen,	McLanahan,	Sorg,
Brown,	Haines,	McLane,	Stambaugh,
Brunner, C. H.,	Hall,	McMillen,	Stank,
Brunner, P. A.,	Hamilton,	McSurdy,	Stine,
Burns,	Hare,	Melchiorre,	Stockham,
Burriss,	Harkins,	Modell,	Tarr,
Cadwalader,	Harmuth,	Monks,	Tate,
Chervenak,	Harris,	Mooney,	Taylor,
Chudoff,	Heatherington,	Moran,	Thompson, E. F.,
Cochran,	Helm,	Moul,	Thompson, R. L.,
Cohen, M. M.,	Hering,	Muir,	Trout,
Cohen, R. E.,	Herman,	Munley,	Turner,
Cook,	Hersch,	Nagel,	Van Allsburg,
Cooper,	Hewitt,	Nunemacher,	Verona,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Vogt,
Croop,	Huntley,	O'Dare,	Voldow,
Cullen,	Imbrie,	O'Mullen,	Voorhees,
Dalrymple,	James,	O'Neill,	Wagner,
Dennison,	Jefferson,	Owens,	Watkins,
Di enova,	Jones, G. E.,	Petrosky,	Weingartner,
Dix,	Jones, P. N.,	Pettit,	Weiss,
Dolon,	Keenan,	Polaski,	Welsh, E. B.,
D'Ortona,	Kenehan,	Pien,	Welsh, M. J.,
Duffy,	Kline,	Powers,	Williams,
Early,	Knoble,	Prosen,	Winnier,
Eckels,	Kolankiewicz,	Rank,	Wolf,
Elder,	Komorowski,	Rausch,	Wood, L. H.,
Elliott,	Krise,	Readinger,	Wood, N.,
Ely,	Lee, E. A.,	Reagan,	Woodring,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodside,
Finestone,	Lelsey,	Reese, R. E.,	Wright,
Finnerty,	Leonard,	Regan,	Yeakel,
Fisher,	Lesko,	Reynolds,	Yester,
Fleming,	Levy,	Rhea,	Young,
Fletcher,	Leydic,	Rooney,	Kilroy,
Flynn,	Lichtenwalter,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having

voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1572, as follows:

An Act to amend the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by extending enlarging and removing the limitations upon the class of those who may become chattel mortgages by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the second day of March one thousand nine hundred thirty-three (P. L. 6) entitled "An act to enable persons associations partnerships and corporations engaged in farming and raising breeding fattening and marketing livestock to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock farm machinery farm equipment and crops and designating the operation and effect of the lien of such mortgages" as amended by the act approved the eighteenth day of April one thousand nine hundred thirty-five (P. L. 38) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and is hereby enacted by the authority of the same That any person association partnership or corporation may enter into an agreement [with and borrow funds from a production credit association organized under the Farm Credit Act of one thousand nine hundred and thirty-three a Regional Agricultural Credit Corporation the Reconstruction Finance Corporation or the Government of the United States or any department agency or officer thereof a Federal Intermediate Credit Bank or any institution which has made arrangements to discount therewith and to procure funds therefrom on the security of the obligations of the borrower and] for the repayment of any funds [so] borrowed or of any then existing indebtedness [to any such institution may be evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon livestock farm machinery or farm equipment or upon any crop of crops annual or perennial including fruit crops grown or growing either already planted or to be planted and maturing within one year from the date of the execution of such mortgage and any cooperative association of farmers acting together in collectively processing preparing for market handling or marketing the farm products of persons so engaged or in which farmers act together in collectively purchasing testing grading or processing their farm supplies [Provided] provided however that such associations are operated for the mutual benefit of the members thereof as such producers and purchasers may enter into an agreement [with and borrow funds from any bank for cooperatives organized under said Farm Credit Act of one thousand nine hundred and thirty-three or from any Federal Intermediate Credit Bank organized under said Agricultural Credits Act of one thousand nine hundred and twenty-three and] for the repayment of any funds borrowed or of any then existing indebtedness [to any such institution may be evidenced

by a bond containing a confession of judgment secured by a chattel mortgage upon any chattels of any kind or description including fixtures owned by such association or upon any interest which such association may have in any such chattels or fixtures No such agreement for the repayment of any funds borrowed or for the repayment of any then existing indebtedness as aforesaid shall bear interest in excess of the rate provided for by the Act approved the twenty-eighth day of May one thousand eight hundred fifty-eight (P. L. 622) For the purposes of this act all such chattels crops and fixtures shall be deemed to be personal property and mortgagable as such Such mortgage shall be a lien against the chattels and crops thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed The lien of any mortgage on crops executed in pursuance of the provisions of this act shall be superior to any mortgages or judgments or any other liens or encumbrances upon the land upon which any such crop has been so seeded or may be growing and any sale made under any mortgage or judgment or other lien or encumbrance upon such land before such crop has been served shall be made subject to the lien on said crop as provided for in this act provided however that the provisions of this act shall not in any manner whatever affect any mortgage judgment or other lien or encumbrance upon the land recorded prior to the approval of this act Such mortgages must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds No chattel mortgage of livestock and hay grain or any other feed stuffs shall be invalid because provision is contained therein that the mortgagor may use and consume such feed stuffs in preserving and preparing for market the livestock covered thereby Provisions contained in such chattel mortgages that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at [its] his option within a period of three years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described and all increase of animals and livestock of all kinds shall be valid and binding

Section 2 The chattel mortgages mentioned in the preceding section when executed and acknowledged as hereinbefore provided shall be recorded in the office for the recording of deeds for the county in which said livestock farm machinery equipment or crop is actually located at the time of the execution of such chattel mortgages and such recorder is hereby required to index and record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder [the following fees for recording each chattel mortgage seventy-five cents (75c) for noting assignment on the margin of the page on which the chattel mortgage is recorded twenty-five cents (25c) for noting release or satisfaction or extension of each such chattel mortgage and the date thereof on the margin of the page of the book where the chattel mortgage is recorded twenty-five cents (25c)] such fees as are provided

by law for services rendered with respect to mortgages on real estate. Such chattel mortgages shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged. Such mortgage shall remain a lien on the property mortgaged as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five years unless the lien thereof is extended [for an additional period of five years] by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit. The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits. A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds.

Section 2 That the said act is hereby further amended by adding after section 5 the following new sections:

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his wilful act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action shall constitute default. But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable.

Section 5.2 When prior to release or satisfaction of the mortgage the mortgagor maliciously or with intent to defraud and without consent of the mortgagee (a) shall conceal all or any substantial portion of the chattel or chattels subject to the mortgage or remove them from the county in which they are located at the time of the execution of the mortgage or shall procure or be a party to such concealment or removal and (b) shall thereafter or in conjunction therewith purport to sell or otherwise dispose of such chattel or chattels under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo an imprisonment not exceeding one (1) year or both.

Section 3 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question.

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—112

Auker,	Fleming,	Levy,	Reese, R. E.,
Baker,	Flynn,	Leydick,	Regan,
Balthaser,	Foor,	Longo,	Rhea,
Baughner,	French,	Lowell,	Rouney,
Bentley,	Gallagher,	Maxwell,	Rose, W. E.,
Bretherick,	Greenwood,	McClanaghan,	Rosenfeld,
Brown,	Haines,	McDermott,	Shaffer,
Brunner, P. A.,	Hamilton,	McDowell,	Shepard,
Burris,	Harkins,	McFall,	Sorg,
Cadwalader,	Heatherington,	McIntosh,	Stambaugh,
Chudoff,	Hering,	McLanahan,	Stine,
Cochran,	Herman,	McSurdy,	Tarr,
Cohen, M. M.,	Hersch,	Melchiorre,	Tate,
Cohen, R. E.,	Hewitt,	Modell,	Taylor,
Cook,	Hirsch,	Monks,	Thompson, E. F.,

Cordier,	Holland,	Mooney,	Vincent,
Croop,	Huntley,	Moran,	Voldow,
Cullen,	Imbrie,	Moul,	Voorhees,
Dalrymple,	James,	Nagel,	Wagner,
Dennison,	Jefferson,	Nunemacher,	Watkins,
DiGenova,	Jones, G. E.,	O'Connor,	Weiss,
Dolon,	Jones, P. N.,	O'Mullen,	Welsh, M. J.,
Duffy,	Kenehan,	O'Neill,	Welsh, E. B.,
Early,	Kline,	Petrosky,	Williams,
Elliott,	Lee, E. A.,	Polaski,	Woodring,
Falkenstein,	Lee, T. H.,	Polen,	Young,
Finestone,	Leonard,	Powers,	Kilroy,
Flinnerty,	Lesko,	Prosen,	Speaker.
Fiss,			

NAYS—11

Achterman,	Lichtenwalter,	Readinger,	Wood, N.,
Gates,	McKinney,	Royer,	Yester,
Hall,	Muir,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 957, as follows:

An Act to amend the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" extending and further regulating such retirement systems.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Sections one two five eight thirteen fourteen fifteen and sixteen of the act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) entitled "An act providing for the creation maintenance and operation of a county employees' retirement system in counties of the third class and imposing certain charges on counties" are hereby amended to read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words and phrases as used in this act shall be construed to have the following meanings:

"Board" the county retirement board created by this act
 "County Employee" [an officer or employe of the county] any person whether elected or appointed who is employed by the county by the county institution district or its predecessor the county poor board by the county prison authorities by the county house of detention authorities or by the county retirement system whose salary or compensation is paid [on a yearly or monthly basis and also any officer or employe regularly employed whose compensation is paid on a per diem basis] in regular periodic installments. No person who is employed on a per diem basis less than two hundred working days per year shall be eligible to membership in the retirement system.

"Fund" the county employees' retirement fund created by this act.

"Accumulated Deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account together with the regular interest thereon.

"Contributor" any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account.

"Beneficiary" any person in receipt of a retirement allowance under this act.

"Prior Service" all service as a county employe served

not later than December thirty-first preceding the year the retirement system shall be established in any county

"Original Member" a [county employe] who was at any time a member of the retirement system prior to January first [member who was at any time a county employe prior to the first Monday of January of the year the retirement system is established in any county]

"New Member" a [county employe] member who shall have become a [member of the retirement system] county employe subsequent to date the retirement system is established in any county

"Superannuation Retirement Age" as applied to a contributor means sixty years of age or upwards

"Final Salary" the average annual salary received by contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular Interest" interest at the rate of three and one-half per centum compounded annually

"County Annuity" payments for life or during disability derived from contributions made by the county

"Members' Annuity" payments for life or during disability derived from contributions made by the contributor

"Retirement Allowance" the [State] county annuity plus the member's annuity

Section 2 County Retirement System and County Retirement Board Created A retirement system [may] shall be established for county employes by resolution of the county commissioners in any county of the third class which system when established shall be administered by a county retirement board which shall consist of the chairman of the board of county commissioners or his representative who shall be its chairman the county controller or his representative and one county employe to be selected from time to time by the county employes for a term of two years Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board the members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duty

Two members of the board shall constitute a quorum

The retirement system herein provided for shall be established on the first [day] Monday of January of the year succeeding the one in which the resolution of the county commissioners was adopted

Section 5 County Employes' Retirement Fund There is hereby created in each county of the third class in which a retirement system has been established a county employes' retirement fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the county employes' retirement system and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a county annuity reserve account and those contributed by the members shall be credited to a members annuity reserve account [and the interest earnings shall be apportioned to the members' and county annuity reserve accounts] Upon the granting of a retirement allowance to any contributor whether as a superannuation retirement allowance an involuntary retirement allowance or a total disability retirement allowance as hereinafter provided the amount of such contributor's accumulated deductions in the members' annuity reserve account shall lose their status as accumulated contributions and shall be transferred to a retired members' reserve account and the actuarial equivalent of the county annuity shall be similarly transferred from the county annuity reserve account to the retired members' reserve account The interest earnings shall be apportioned to the members' annuity and county annuity and retired members' reserve accounts The actuary shall determine the present value of the liability on account of all county annuities pay-

able to original members and the [percentage] percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the county annuity reserve account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for credit to the county annuity reserve account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the members' annuity reserve account

Section 8 Compulsory Membership Each county officer may and each county employe shall be required to become a member of the retirement system established by this act at such date as may be specified in the resolution establishing the retirement system and thereafter when first becoming a county employe Those becoming members who have been at any time county employes prior to [January first] the first Monday of January of the year the retirement system is established shall be known as original members and those becoming members after said date as new members Provided however That if any person who becomes a county employe subsequent to [January first] the first Monday of January of the year the retirement fund was established shall have been at any time theretofore a county employe he shall receive credit for the service prior to [January first] the first Monday of January of the year the system was established and shall be known as an original member

Section 13 Involuntary Retirement Allowances Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age [as provided in this act with respect to county annuities for superannuation retirement] but based on the period of service up to the date of discontinuance from service and not on the period of service required to reach superannuation retirement age The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 14 Total Disability Retirement Allowance If a contributor after five years of service as a county employe and before reaching superannuation retirement age is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance consisting of a county annuity of twenty-five per centum of his final salary which shall [be payable one-third from the members' annuity reserve account and two-thirds from the county annuity reserve account] include the member's annuity calculated in accordance with section eleven of this act

Section 15 Payment of Balances Where Disability Annuity Dies Should a person receiving a disability retirement allowance die before receiving [a] total [allowance] members' annuity payments equal to the amount standing to his credit in the members' annuity reserve accounts at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total [retirement allowance] member's annuity

payments received

Section 16 Monthly Payments of Retirement Allowances The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act [All members' annuities shall be payable from the members' annuity reserve account and all county annuities from the county annuity reserve account]

Section 2 The said act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1625) is hereby amended by adding after section seventeen three new sections to read as follows

Section 17.1 Simultaneous Payments of Salary and Retirement Allowance Should a person receiving a superannuation retirement allowance or an involuntary retirement allowance or a total disability retirement allowance be reemployed by the county the retirement allowance of such person shall immediately cease Such person shall thereupon be reinstated as a contributor and there shall be restored to his credit as accumulated deductions the actuarial value of his member's annuity computed as of the date of his re-employment Should he refuse to surrender his right to retirement allowance as of the date of his reemployment then it shall be unlawful for the county to re-employ him

Section 17.2 Validation of Certain Contributions All employes of the county institution district or its predecessor the county poor board the county prison the county house of detention or the county retirement system who heretofore made contributions to the retirement fund by payroll deductions intending thereby to become members of the retirement system and contributors to the retirement fund are hereby declared to be regular and valid members and contributors as of the time of their first contribution with the same rights and privileges as any other county employes who became members and contributors in the retirement system

Section 17.3 Admission to Retirement System of Those Who Have Heretofore Failed to Join Any county officer who did not become a member of the retirement system when it was first established if he then held office and has since then continuously held office or whose term of office began after the establishment of the retirement system and who did not become a member of the retirement system when his term of office began shall be permitted to become a member of the retirement system at any time and receive a retirement allowance based upon service as a county employe rendered after such date of membership Provided however That if membership is consummated within one year of the effective date of this amendment or within one year from the beginning of such term of office and such sums as would have been deducted from his salary had he become a member at the time of the establishment of the retirement system or of the commencement of such term of office shall have been paid into the retirement system he shall thereupon become entitled to all the rights and privileges in the retirement system as would have been vested in him had he become a member and contributor at the time the retirement system was established or his term of office began

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Foor,	Longo,	Rose, W. E.,
Auker,	French,	Lovett,	Rosenfeld,
Baker,	Gallagher,	Lyons,	Royer,
Balthaser,	Gates,	Malloy,	Rush,
Baughner,	Gerard,	Maxwell,	Sarge,
Bentley,	Gillan,	McClanaghan,	Sarraf,
Bentzel,	Gillette,	McClester,	Scanlon,
Boles,	Goodwin,	McDermott,	Schwab,

Boney,	Greenwood,	McDowell,	Serrill,
Boorse,	Gross,	McFall,	Shafer,
Bower,	Gryskewicz,	McGrath,	Shaw,
Bradley,	Gyger,	McIntosh,	Shepard,
Breth,	Habbyshaw,	McKinney,	Simons,
Bretherick,	Habern,	McLanahan,	Skale,
Brown,	Haines,	McLane,	Sors,
Brunner, C. H.,	Hall,	McMillen,	Stambaugh,
Brunner, P. A.,	Hamilton,	McSurdy,	Stank,
Burns,	Hare,	Meichiorre,	Stine,
Burris,	Harkins,	Modell,	Stockham,
Cadwalader,	Harmuth,	Monks,	Tarr,
Chervenak,	Harris,	Mooney,	Tate,
Chudoff,	Heatherington,	Moran,	Taylor,
Cochran,	Helma,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAllsburg,
Cordier,	Hirsch,	O'Brien,	Vincent,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dairymple,	James,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jone G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winnier,
Elder,	Komorowski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, A.,	Reagan,	Wood, N.,
Falkenstein,	Lee, T. H.,	Reese, D. P.,	Woodring,
Finestone,	Lelsey,	Reese, R. E.,	Woodside,
Flinnerty,	Leonard,	Regan,	Wright,
Fisher,	Lesko,	Reynolds,	Yeakel,
Fleming,	Levy,	Rhea,	Yester,
Fletcher,	Leydic,	Rooney,	Young,
Flynn,	Lichtenwalter,		Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 329, as follows:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" eliminating some of the requirements heretofore imposed upon restaurant licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November one thousand nine hun-

dred thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales of practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

* * * * *

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation land habitually and principally used for the purpose of providing food for the public the place to have which has an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor and malt or brewed beverages by the glass open bottle or other container and in any mixture for consumption in the case of hotels only in that part of the hotel [or restaurant] habitually used for the serving of food to guests or patrons and [in the case of hotels] to guests in their private rooms in the hotel and in the case of clubs to members in their private rooms in the [hotel or] club and in the case of restaurants only in that area within a building which is licensed No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor or malt or brewed beverages to any person except a member of the club No club holding a catering license nor its officers servants agents or employees shall sell on Sunday to non-members any liquor or malt or brewed beverages In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant [habitually used for the serving of meals to patrons] so licensed and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employees may sell liquor and malt or brewed beverages only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employees may sell liquor or malt or brewed beverages between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor and malt or brewed beverages may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. CHUDOFF, BENTLEY and PROSEN asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—83

Balthaser,	Gallagher,	McClanaghan,	Reese, R. E.,
Boles,	Gross,	McDermott,	Regan,
Boney,	Gryskewicz,	McIntosh,	Riley,
Brunner, P. A.,	Hamilton,	McLanahan,	Rose, W. E.,
Chervenak,	Hersch,	McSurdy,	Scanlon,
Cook,	Hirsch,	Melchiorre,	Schwab,
Cordier,	Jefferson,	Modell,	Skale,
Corrigan,	Jones, G. E.,	Monks,	Sorg,
Croop,	Jones, P. N.,	Mooney,	Tarr,
Cullen,	Kenehan,	Munley,	Tate,
Dairymple,	Kline,	Nunemacher,	Thompson, E. F.,
DiGenova,	Knoble,	O'Brien,	Voorhees,
Dolon,	Klankiewicz,	O'Connor,	Watkins,
Duffy,	Krise,	O'Dare,	Weiss,
Early,	Lee, E. A.,	O'Mullen,	Welsh, E. B.,
Eckels,	Lesko,	O'Neill,	Williams,
Elder,	Lichtenwalter,	Owens,	Wolf,
Finestone,	Longo,	Petrosky,	Woodring,
Finnerty,	Lovett,	Polaski,	Young,
Fletcher,	Malloy,	Powers,	Kilroy, Speaker
Flynn,	Maxwell,	Rausch,	

NAYS—85

Achterman,	French,	Levy,	Shaffer,
Baker,	Gates,	Leydic,	Shaw,
Baughner,	Gerard,	Lyons,	Simons,
Bentley,	Gillette,	McClester,	Snyder,
Bentzel,	Goodwin,	McFall,	Stine,
Bower,	Greenwood,	McKinney,	Stockham,
Breth,	Haines,	McMillen,	Taylor,
Bretherick,	Hall,	Moran,	Thompson, R. L.,
Brown,	Hare,	Moul,	Trout,
Brunner, C. H.,	Harkins,	Muir,	Turner,
Burriss,	Harmuth,	Nagel,	VanAllsburg,
Cadwalader,	Harris,	Pettit,	Verona,
Chudoff,	Heatherington,	Prlen,	Vincent,
Cochran,	Helm,	Prosen,	Voldow,
Cohen, M. M.,	Herman,	Reagan,	Wagner,
Cohen, R. E.,	Hewitt,	Rhea,	Weingartner,
Dennison,	Holland,	Rosenfeld,	Welsh, M. J.,
Dix,	James,	Rush,	Wood, N.,
D'Ortona,	Keenan,	Sarge,	Wright,
Ely,	Lee, T. H.,	Sarraf,	Yeakel,
Fleming,	Leonard,	Serrill,	Yester,
Foor,			

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

The SPEAKER. The Chair returns to page 18 of the calendar, bills on third reading, House Bill No. 568, Printer's No. 863.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven, P. L. 1168) entitled "An act to protect the right of employees to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employees to organize and bargain collectively; declaring certain labor practices by employer"

to be unfair; further providing that representatives of a majority of the employees be the exclusive representative of all the employees; authorizing the board to conduct hearings and elections, and certify as to representative of employees for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor dispute" the rights of employers and certain unfair labor practices by employers and employees; further changing the provision for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board; further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, House Bill 568 seeks to further amend the Act of June 1937, P. L. 1168. In order to discuss intelligently the bill that is presently before us, it seems desirable to go back a little into history to 1937 when the Labor Relations Act was enacted. We do not need to tax our memory very greatly to recall the great labor unrest that existed in the state of Pennsylvania just prior to the enactment of the Labor Relations law, and we do not need to tax our memories very much to recall how at that time the upsurge of strikes became of proportions that were really alarming. After the enactment of the Labor Relations law in 1937, there was a still further upsurge of strikes until the strikes in the state of Pennsylvania reached the highest point of all time, both with respect to the number of persons involved and with respect to the amount of damage done.

At that time it almost seemed that the enactment of the Labor Relations Law was a green light signal for certain labor leaders, certain labor groups to go ahead with ruthlessness of all sorts in strikes, and it was at that time the villainous sit-down strike found its highest expression. All of this was brought about, I believe, because in the Labor Relations Act of 1937 only one side of labor disputes and industrial disputes had been considered. There is no occasion at this time to quarrel or find fault with those who framed the act of 1937. It was a new thing and it provided for many contingencies in the relationship between labor and industry. But one thing it failed utterly to do, it failed to recognize that if labor disputes were to be solved permanently there must be two sides to the question of any labor dispute.

The law was written so that only the employers could possibly be guilty of unfair labor practices. Strikes were

so vast and so damaging in the state of Pennsylvania that finally the outraged public arose and demanded some remedy. It was just about that time that the state of Pennsylvania entered into a great political campaign in which was involved the election of a Governor of this state. The Republican Party, recognizing the cry of the public for a remedy for the dangerous conditions that had been brought to this state by the incessant strikes and the loss of hundreds of millions of dollars, not alone in wage envelopes but in damage and absolute destruction of plant equipment and machinery.

The Republican Party in the 1938 campaign as a major plank in its platform put a provision that there should be equal justice to labor and capital alike. One of the first things that was done in the General Assembly immediately after it convened in 1939, was to offer for the consideration of this House an amendment to the act of 1937 which encompassed among other things, writing into the law a provision that labor could do wrong as well as capital. There was written into the law then a number of citations of unfair practices on the part of the employee.

Now, Mr. Speaker, after the enactment of the amendments to the 1937 law in 1939 there was a very definite and a very notable falling off of strikes. There was a falling off of labor disputes and it seemed for a time that the law as amended was a real remedy and would provide for peace between industry and labor. It seemed at that time that at last capital could come before the Labor Relations Board which was set up in the act of 1937 on an equal footing with labor and be heard. Prior to that time,—you will remember this well,—it was utterly impossible for an employer to secure even a modicum of justice, because the 1937 law allowed the Labor Relations Board no latitude whatever. In other words, it was often said that before a capitalist or an employer in industry could go before the Labor Relations Board, he already had two strikes called on him before he went to bat. That is an absolute fact and is borne out by the records between the years 1937 and 1939 in connection with the Labor Relations Board.

Now, Mr. Speaker, coming down to today we have before us House Bill 568. This bill does several things of minor importance, but it does one thing of very great importance and very great injustice. It does a thing that if this bill becomes law cannot help but fly back in the face of labor and those who sponsor it today, because there can never be any enduring understanding or peace between employer and employee until and unless both can stand on common ground with equal rights before the law. If this bill is enacted into law it will say in effect that it is no longer an unfair labor practice for an employee or a workman to "intimidate, restrain, or coerce any employee by threats of force or violence or harm to the person of said employee or the members of his family or his property for the purpose and with the intent of compelling such employee to join or to refrain from joining any labor organization or for the purpose or with the intent of influencing or affecting his selection of representatives for the purposes of collective bargaining."

Further, Mr. Speaker, if this bill is enacted into law, it will no longer be unfair labor practice in Pennsylvania on the part of an employee, "during a labor dispute to join, or become a part of a sit-down strike or without the employer's authorization to seize or hold or to damage or destroy the plant equipment, machinery, or other prop-

erty of the employer with the intent of compelling the employer to accede to demands, conditions, and terms of employment including the demand for collective bargaining."

If this bill is enacted into law, it will no longer be unfair labor practice on the part of an employe, "to intimidate, restrain, or coerce any employe by threats of force or violence or harm to the person of said employe or the members of his family or his property for the purpose and with the intent of influencing or affecting his selection of representatives for the purposes of collective bargaining."

These are the amendments that were written into the Labor Relations Law in 1939 as a fulfillment of the pledge in the Republican party's platform that there should be equal rights for labor and for the employer before the law in Pennsylvania. That the amendments of 1939 were successful is somewhat admitted by a little statement that appeared in the Philadelphia Inquirer this morning, dated Harrisburg, Pa. and written by Mr. Gerson H. Lush and I read as follows from that article:

"Declaring that Pennsylvania has an 'outstanding record' in having less labor trouble than other industrial states, James L. McDevitt, President of the State Federation of Labor, today took issue with John B. Kelly, Philadelphia Democratic Chairman, for urging abolition of all strikes in the defense industries."

Mr. McDevitt was looking into the question and his statement is in the present tense. It is very definitely true that Pennsylvania, since the enactment of the 1939 amendments, has been fairly well on its way to a complete understanding between employer and employe. It is true we have had, we always will have, I presume, differences which may be hard to adjust. No one today on the side of the employer will for one moment state, if he is sincere and serious, that all of the troubles are the cause of labor's position on one or any number of things. It is recognized by employers generally today that a law such as we have in Pennsylvania, the Labor Relations Law, including the amendments of 1939, is a valuable and a worthwhile thing. Both labor and industry can come before the board that is set up under the law and can make equal claims and they receive equal justice.

I believe, Mr. Speaker, that the other minor amendments that are included in House Bill 568 are made for no other purpose than simply to strengthen the position that has been taken by the sponsors with respect to the elimination of all unfair labor practices on the part of the employe.

There is another provision that was in the law, which is now stricken out in this proposed bill, and that is the provision that no member of the Labor Relations Board "shall engage in any business or commercial enterprise of any kind nor be an officer in any labor organization or be engaged in any political activities."

In other words, Mr. Speaker, if this amendment should be enacted and become law, then a man serving as an umpire or as a referee between employer and employe could be a member of a labor organization, and therefore biased in favor of any labor organization or labor person who might have occasion to appear before him. Further, by eliminating the restrictions that such a person, being a member of the Labor Relations Board shall not be engaged in political activities, is a very definite menace

to the integrity and to the services of the Labor Relations Board.

Mr. Speaker, I desire to still further call your attention to another provision which it seems to me to be wholly unwarranted and unnecessary and one that cannot be justified by any reasoning. It is provided in this amendment that "no findings shall be made on the basis of evidence relating to acts which occurred prior to the original passage of this act" shall be eliminated from the law. That means in effect any unfair labor practice committed by any employer at any time prior to the enactment of the original law in 1937, may even now be the subject of a complaint before the Labor Relations Board.

Mr. Speaker and members of the House, particularly those of you who are sincerely and honestly interested in the forthrightness and in the square deal standing of labor, I ask you to vote against this bill.

MR. TURNER IN THE CHAIR.

Mr. LEONARD. Mr. Speaker, as one who has given his entire life in the interest of the worker through the facilities of the American labor movement, possibly I could stand here for quite a long time and relate some of the conditions with which the worker has been confronted because of the unfairness of the employer without any laws to back him up.

Do you remember the black lists put into effect by the employers of the state of Pennsylvania, when if you dared to open your mouth to complain of the conditions you had to endure, somebody carried that word back and the next day you were discharged. Now that would not have been so bad, but they put you on the black list and that ended you as far as getting employment in Pennsylvania was concerned. We of labor were hoping that the question that has been raised in opposition to this bill would have been allowed to die and forgotten about, but inasmuch as the argument has been made again in opposition to this bill, it is only natural for all of those who participated in the interests of the workers in the American labor movement to remind you, in case you might forget, that I am one who has suffered from these things. At one time I got on a street car going out of the heart of the city of Pittsburgh to answer a request from employes of the city of McKeesport. I was taken right off the street car by a city policeman and immediately returned back to the city of Pittsburgh without ever having opened my mouth.

We of labor have had many experiences, so many in fact that it is impossible for me to remember them all. I will give you another instance, two employees of another plant in the Pittsburgh district wanted to go into McKeesport to try and see if they could organize for the purpose of placing that organization in a position to improve its working conditions and increase its wages. They could not do that because of the competition which was so bad that the union employer could not possibly meet the prices that he offered. Two men working at their trade got on a street car in this particular town in Allegheny county and went into McKeesport. They were taken off the car by a city policeman and locked in the jail for twenty-four hours without allowing them to use a telephone.

Now, we are coming back to the capitol of Pennsylvania where we are now. At that time Pinchot was the Governor of the state of Pennsylvania. We immediately

came over and made an appointment and saw the Governor. The Governor called the Attorney General in and after the complaint was laid before the Attorney General, he retired and came back later and announced that nothing could be done. Here was a one hundred per cent rank violation of the constitutional rights of the people, but the courts, the state, the city, nobody would do anything to see that these people got their rights.

Mr. Speaker, we of labor could hardly believe ourselves when the present administration took over in this country and immediately put into effect the N. I. R. A. A lot of men who gave their lives in the interests of the workers through the facilities of the American labor movement must have turned over in their graves when they found out that the government of this country, by its action told the worker if he so saw fit to affiliate himself with his fellow workers for the purpose of making himself a part of the same plane as the employer he might do so. The employer has always been one hundred per cent organized; he belongs to all the associations that have for their purpose the protection of the business in which he is interested, and they are always on the alert to see and to add to the strength of the different associations for their protection.

Why then should not organized labor do the same thing for the worker? The worker has been suffering long and hard in maintaining the association he established at the cost of his job and in many cases of the Coal and Iron Police clubs. We are very glad at this time there is an administration in charge of the affairs of our government that knows and believes that regardless of what your occupation in life is, you have the same privilege under the Constitution that governs our country.

Now, Mr. Speaker, we believe this amendment to the law will strengthen the position of the workers and help to pay back for the suffering that the workers have undergone prior to stable administration. I am asking the Members of this House, whether you are Republican or Democrat, to look at it from the standpoint of the constitutional rights of the citizens of the state of Pennsylvania and try by your vote to undo the black mark that lies against the state of Pennsylvania, throughout the length and breadth of this country because of the atrocities committed against the workers and allowed to exist by the officials in charge of our government in the past. The records of the labor movement are as high as the ceiling regarding the atrocities that were permitted by the employer to be practiced upon the workers and thereby deny them the right of organization and deny them the right to put themselves in a position on an equal plane with the employer in the matter of collective bargaining, what they shall sell their labor for and what the working conditions shall be. The employers' organization tells you what you are going to pay for their products. Why should not the worker be in the same position? When we leave this Assembly Hall this afternoon we will more than likely go to a restaurant or a hotel for our lunch. we will not tell that hotel keeper or that restaurant keeper what we are going to pay for our lunch. He will put a bill down in front of us and say, "Here is what the bill is." The employer does the same thing with his product, but up until 1933 the workers of the country did not have that right unless they were successful in maintaining their organization.

Therefore, Mr. Speaker, we are only asking you to help

increase the strength and the position of the worker especially now. I can not agree that the organized worker is deliberately doing things detrimental to the defense program by direct action. We have that condition in all classes of people that compose the one hundred thirty million people of the United States. We have some highly recognized bank officials and other high officials who are today, through their manipulation, resting nicely behind bars. Naturally, there are so many workers, some fifty-four million, I believe I put on the record once before, and that is a lot of people. Those are the people who turn the wheels of industry and make possible prosperity in this great country of ours. Those are the people that are preparing this country to resist attack from the outside; those are the people that you and I will look to when the emergency arises.

Mr. Speaker and members of the House, I ask you to support this bill.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

Mr. JAMES. Mr. Speaker, I find very little fault with the remarks of the last speaker. It is true, however, that he went back a considerable distance into history to recite a lot of things that have been done in the past to labor. I do not believe that anybody would stand in this House today and deny that wrongs were committed by capital against labor. Least of any in this House would I speak to defend or condone the activities of the so-called mine police and the hoodlums and ruffians who beat down the working man at a time when he was not strong enough to defend himself. I would like to say to this House that I too have followed the labor movement in this country. I am almost attempted to say, although it is none of your business, that I too suffered considerably in my younger days because of the unequal and unfair conditions that existed between capital and labor.

The one point in Mr. Leonard's remarks, however, to which I take exception is the point where he asked us to vote for this bill to be vindictive, to get back at capital, down through the corridors of time for all the injuries labor has suffered. Nothing we here can do will ever heal the wounds that were suffered by men long since dead in the cause of labor. We here today must look on this world as we find it; we must meet the conditions that immediately confront us, and the only way in which we can meet them is with an honest attitude, one toward the other. I maintain that it is wrong, that it is an incentive to further trouble between capital and labor to vote for any thing that is intended to be a clubbing back for a clubbing received in the past. Today we have entirely different conditions. Labor is no longer exploited by the employer, and if there was no other reason for making that statement, let me say to you that it is no longer profitable to exploit labor. That is a fact that appears on trial balances and on profit and loss statements in every industrial enterprise. Industry wants peace, and labor most certainly should want peace because in the end where there is no peace labor is the greater sufferer.

I believe, Mr. Speaker, that no good purpose can be served by saying in a law of Pennsylvania that one side of a great industrial question and of our great economic problem, can be guilty of unfair practices and that the other side cannot be guilty of unfair practices, and that Mr. Speaker, is what this amendment does.

Mr. WILLIAMS. Mr. Speaker, the bill now before the

House is known as House Bill 568 and also known as the State Labor Relations Act of Pennsylvania. I cannot see why there should be so much fuss about the passage of this bill today because of the fact that it takes the law back to 1937 and makes it conform with the law now on the statute books which is known as the National Labor Relations Act.

I say, Mr. Speaker, in this time of trouble when the world is full of unrest, we should especially in labor legislation have uniformity of law between the states and the national government. That was one of my purposes for introducing this particular bill. We know, as Mr. Leonard has stated, that prior to 1937, and as the gentleman from Delaware, Mr. James has admitted, labor was kicked from post to post; it was kicked all over the lot. That was what brought about the National Labor Relations Act of 1933 and that is what brought about the State Labor Relations Act in 1937. I heard him make the statement here that because of the fact that labor has been punished that is no reason that the employer should be punished. There is no intent on the part of labor to punish industry itself or capital itself, whichever way you desire to put it. It is only the intention of labor to ask for a square deal in the passage of the National Labor Relations Act and the State Labor Relations Act. If the Republican Administration were so desirous of giving labor a break in legislation why did they not do it in the Session of 1933 and 1935? The Republican Administration has never been in favor of labor legislation. In 1939 they went as far as they dared go in amending the law so that it might be used against labor instead of being used to protect labor.

Mr. Speaker, I want to say that in 1939 they gave the employer the right to petition for an election. Now, that is one of the most comical controversial things that can ever be done in labor legislation, especially where anybody who knows anything about labor is concerned. An employer who thought that organizers were going to come into his plant to organize it immediately set up his propaganda machine and immediately petitioned the Labor Relations Board for an election before the organizers had an opportunity to organize the plant. The amendment there permitted them to operate a company union, which is contrary to the National Labor Relations Act. The State Labor Relations Act had no effect on any corporations engaged in intra-state commerce; it only had an effect upon the corporations who were operating in inter-state commerce. Of course, those are the ones they desire to protect.

I want to say that prior to 1937, being a coal miner, I fought against that type of legislation which was granted to the working people of Pennsylvania by the Republican Party. Down on the picket line in some companies in the coal mining industry in the bituminous fields we were not even permitted to be on the state highways to picket. We were not free American Citizens. We were not given the privileges granted to us by the Constitution of the United States and by the Constitution of Pennsylvania. We had no protection whatsoever, and in fact labor was not liberated until after the passage of the NIRA and the National Labor Relations Act became a law.

I might say that the gentleman said that today there is a good relationship between industry and labor. He said that industry today does not care to exploit labor. I ask him what Henry Ford has been doing during the last four years when he stated all over the country that his em-

ployes did not want a union. He fought the union through the courts. He said, "My employees do not want a union." But finally when it came to the end the National Labor Relations Board and the Supreme Court of the United States said there must be an election held and it is now history as to what happened. Did his employees uphold him in the statements he made? The same thing will soon happen in the Bethlehem Steel Corporation of Pennsylvania, which corporation just a few weeks ago had the State Police down there trying to stop the men from carrying on picketing at the plant, where they are asking for collective bargaining which was denied by the corporation. It was defying the National Labor Relations Board and the Supreme Court of the United States. But they come into these legislative halls to protect the corporations and then stand before the public saying that the employers of the United States of America do not care to exploit labor. They only care to take from labor everything they can take from them. The only way we have to combat these people is not as individuals but collectively.

I might say for the information of the gentleman from Delaware, Mr. James, that labor does not really want a strike and labor only uses it as a last resort. Of course, we have had some instances when a situation has gotten out of control, but they are very rare, and our labor leaders have been chastized by their officials for having acted without being authorized to do so. I might say to you that in the amendment offered in 1939 permission was not going to be granted to any member of organized labor or any officer of organized labor affiliated with the union at that time to be a member of the State Labor Relations Board. I ask you, would that be a Labor Board without labor being represented on that Board?

I might also say for the information of the gentleman from Delaware that the politicians were represented because a politician took the place of our own District president, Pat Fagan, when he was left off the Board in 1939. The gentleman from Delaware said it would be non-political. I say further that the Act of 1933 and everything that has been done since that time, insofar as the National Labor Relations Board Act is concerned, has kept closely affiliated with labor and it has also taken care of industry insofar as perfect fairness is concerned. I ask the gentleman from Delaware right now if the Mediation Board put into effect by the President of the United States is not doing a good job in helping settle strikes? In the Act of 1939 in Pennsylvania they did not want labor to be represented on the Board, but now the President of the United States in setting up his Mediation Board has named members of organized labor on those boards in order that they might assume responsibility for the activities of organized labor.

I might say further in all nations where labor has been ignored, where labor has been trampled into the dirt in this turmoil that is going on today, those nations have fallen one after another. I ask you to look around this world today and you will find in no place other than England, where labor has been recognized and where labor has a voice in the government of England and the British Empire, is labor better appreciated. Labor in the United States of America is willing to take its place, labor is willing to fight to the last ditch to preserve this democracy of ours, because we all know that although in our state Legislature we have had some reactionary measures passed, in spite of that the federal government has pro-

tected labor, but despite all of that labor will do everything in its power to preserve this democracy of ours.

In 1917, in the last World War, when we did not have any of these labor laws on our books, labor felt the same way about it because they were living in hopes. I am glad to stand before this microphone and say that the union with which I am affiliated has today the largest service flag of any organization in the United States of America. That was in effect in 1917 and in 1918. This service flag has eighty six thousand stars on it, and they were not back from the lines twenty-five miles but they were out in the infantry battling to save this democracy. They appreciate all our gifts and the advantages of democracy. I say, if you will only listen to labor, if you will only go along with labor, that labor will save this nation in spite of Henry Ford and the Bethlehem Steel Corporation and a few of the other controlled organizations. They are the ones who are trying to retard the program, they are hiding behind the national defense program to create a feeling against organized labor in order that they might gain their point. I ask you to open your eyes and place on the statute books laws that encourage the people, the moral fiber of the nation and help preserve our democracy.

Mr. PETROSKY. Mr. Speaker, I rise at this time in support of the measure that is before this body for its consideration because I feel that I would be lax in my duty if I would not point out to the membership a brief history concerning labor legislation and the crippling amendments that have been placed upon the statute books by the Republican administration in 1939.

Mr. Speaker, I well recall that throughout the campaign of 1938 for the governorship of the state of Pennsylvania the different remarks that were placed in the record by the now Governor of the state of Pennsylvania, in stating to the people of the Commonwealth that he would burn the labor legislation that existed upon the record books. I say that in doing this he has been one great force in retarding the national defense program and has added greatly in retarding those things, the completion of which we cherish. I say, Mr. Speaker, in the history of these acts there should be included along with the words of my good friends and colleague; the gentleman from Washington, Mr. Williams, the fact that we can only be consistent in aiding that program by aligning our legislation that we place upon the statute books to conform with that of the national government.

May I further state, Mr. Speaker, and may I also answer the gentleman on the other side of the House and endeavor to present my views of the conditions that confront each of us? It is my contention that in every phase of endeavor in this great United States of ours we find a few ambitious, greedy and vengeful instigators of dissension; working toward an end to create disorder in the schedule of a program sponsored by the great patriot and leader, Franklin Delano Roosevelt. The roots of discontent that are planted in the minds of our poorer people.

POINT OF ORDER

Mr. VOORHEES. Mr. Speaker, I arise to a point of order.

The SPEAKER. The gentleman from Philadelphia will state his point of order.

Mr. VOORHEES. Mr. Speaker, the gentleman is not speaking on the bill.

The SPEAKER. The gentleman will confine his remarks to the bill.

Mr. PETROSKY. Mr. Speaker, I am endeavoring to place before the membership of the House the real necessity of returning the State Labor Relations Act to the form in which we are endeavoring to put it by removing the amendments inserted in the act of 1939, and placing it in the status that it was in 1937. I will repeat, Mr. Speaker, the roots of discontent that are planted in the minds of our poorer people, the imprint of hatred stamped on the heart of the laborer, the falsification of fact forced upon our white collar peoples, the disgusting impositions upon our small business, the greed and lust for power of our industrialists, and the high handed tactics of the money changers in this nation, all should be condemned with a sincerity of purpose toward a common goal, and that is a more secure America for all Americans.

Mr. Speaker, I say to you that we can only have a program of national defense through the efforts, through the co-ordinated efforts, of both the employer and employee. The crippling amendments to the 1937 State Labor Relations Act were placed upon the statute books of this Commonwealth by the membership on the other side of the House, which enabled that process to come about.

Therefore, I say to you, Mr. Speaker, in order to get this greater cooperation, in order that we may be consistent with the national legislation that is on the statute books, in order that we may greatly aid in the greatest of all projects that is facing the people at this time, I ask the membership of this House to vote back the 1937 status of the State Labor Relations Act and help us to make a more secure America for those true, righteous and loyal citizens, who comprise the working people of this Commonwealth and this nation, and to give them the rights that have been guaranteed to them under the Constitution.

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. James.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. JAMES. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I would like to ask the gentleman from Delaware, Mr. James, if it is not a fact that House Bill 568, Printer's No. 683, concerns itself with labor practices and unfair labor practices?

Mr. JAMES. I should say that it does, yes, Mr. Speaker.

Mr. BROWN. Does the gentleman agree, Mr. Speaker, with the decision of the Supreme Court of the United States that has held that sit-down strikes do not constitute unfair labor practices?

Mr. JAMES. No, I do not, Mr. Speaker.

Mr. BROWN. I want to thank the gentleman from Delaware, Mr. James.

Mr. Speaker, I simply wanted to ask those two questions. I think we have gone far afield in the discussion of the bill. No one in the House would oppose any bill that would give any consideration at all to sit-down strikes more than I would. However, it is my impression that this matter should never have been placed into this bill in the original amendments inserted in 1939. The Supreme Court has held that sit-down strikes do not constitute unfair labor practice. Sit-down strikes are a crime. Sit-down strikes, the Supreme Court has said

in the Fansteel Case, are simply in the nature of a conversion of goods and are an unfair labor act. The question here is labor practice and unfair labor practice. It seems to me we can not make an unfair labor practice out of a thing that has already been stated by the Supreme Court is a crime. It had no purpose in the act originally; it has no purpose in the act now, and I want to say for the benefit of those who might be disturbed and feel that they are voting for a sit-down strike because this deals with unfair labor practice, that sit-down strikes do not come under the heading of labor practice or unfair labor practice.

Mr. HOLLAND. Mr. Chairman, the gentleman from Delaware, Mr. James, stated that before the amendments placed in the Labor Relations Act of Pennsylvania by the Republicans in 1939, the employer had two strikes called on him before going before the Labor Board. I want to add that after the Republicans got through in 1939 the employee did not have a bat to use when he was called to bat.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Delaware during his debate stated that in 1938 there was sent to the Legislature in Harrisburg a Republican majority because of the act of 1937 causing disturbances. I cannot agree with him on that particular point.

QUESTION OF PERSONAL PRIVILEGE

Mr. JAMES. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Delaware will state his question of personal privilege.

Mr. JAMES. Mr. Speaker, the gentleman is mis-stating me deliberately and grossly.

The SPEAKER. If the gentleman wishes to quote a member he should quote him exactly.

Mr. WILLIAMS. Mr. Speaker, the inference has been left during the debate on this bill that a Republican majority was sent to Harrisburg by the Act of 1937, because of labor disputes that were in effect during that period. If that be the case then I say that in 1940 there was a Democratic House returned to Harrisburg by the activities of the House in 1939.

Furthermore, I might say that the people whom they are desiring to protect by trying to defeat this bill are persons who have been unfair to labor and who today are unfair to labor. I might mention that they are not working and acting in the best interests of democracy.

I mentioned that the Henry Ford Company some time ago had an opportunity to build six thousand airplane motors in order that democracy might be preserved. He was in a position that he could build them a lot quicker than anybody else. There wasn't enough profit in those orders for the six thousand airplane motors, with the result that he refused to accept the orders. I might say that the same thing is true of other corporations; they are only hiding behind a smoke screen and are acting for the defeat of this particular bill in order that they might delay and retard the organization of labor further.

Mr. Speaker, I ask the Members of the House again to vote "aye" on this particular bill.

Mr. MORAN. Mr. Speaker, no one can get up here and tell any member of this House anything in connection with this bill. I am not going to stand here and go back into history. I am simply going to ask all the Members of this

House to vote "Aye" on this bill because it is a good bill and one that should not have been wrecked in the 1939 session.

(During the calling of the roll).

QUESTION OF INFORMATION

Mr. ACHTERMAN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. ACHTERMAN. Mr. Speaker, having discovered an error in the bill, would it be in order to make a motion to place the bill on the postponed calendar?

The SPEAKER. A motion can only be made at this time by unanimous consent.

Mr. ACHTERMAN. Mr. Speaker, I ask unanimous consent of the House to make a motion.

The SPEAKER. Will the House give its unanimous consent for the making of a motion to place the bill on the postponed calendar? Is there objection? The Chair hears none and consent is granted.

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed on the postponed calendar.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 524

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1941
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 524, Printer's No. 560, entitled, "An Act to further amend section two hundred and ten of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' by prohibiting the purchase sale or exposure for sale of striped bass or rock fish under eighteen inches in length."

ARTHUR H. JAMES

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 764.

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," providing for the establishment, regulation and use of special dog training areas.

HOUSE BILL No. 949.

An Act to further amend section nine of the act approved

the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases

HOUSE BILL No. 1005.

An Act to add section six hundred ninety-nine and six-tenths to the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties

HOUSE BILL No. 1022.

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by; or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employes, directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

HOUSE BILL No. 1088.

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

HOUSE BILL No. 1510.

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

TIME EXTENDED ON BILL

Mr. PETROSKY. Mr. Speaker, I move that the time on House Bill No. 814, Printer's No. 646 entitled

An Act regulating the payment of wages or compensation for labor or service in private employments; estab-

lishing regular pay days; imposing duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

on page 42 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 616

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 616 entitled:

An Act to amend section seven of the act approved the thirty-first day of March one thousand eight hundred and sixty (P. L. 427) entitled "An act to Consolidate Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings and Pleadings" providing for the fixing of bail and the admission to bail by magistrates committing magistrates justices of the peace or aldermen and the fixing of bail by coroners in certain cases involving involuntary manslaughter

And has appointed Messrs. Becker, H. I. Wilson and Haluska a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

PERMISSION TO ADDRESS HOUSE

Mr. TROUT asked and obtained unanimous consent to address the House.

Mr. Speaker, it is rather unfair to take advantage of a man who is not present to make an accusation which either he or his family might resent. For many years I was a reader of the "North American" a Philadelphia newspaper, and when that paper discontinued publication I hung my fortunes on the "Philadelphia Inquirer" and I have been reading it ever since. Periodically I read a column written by John Cummings and by accident he does say some rather funny things and periodically gets a joke that might be considered good, but in his serious moments he casts reflection upon some people as was illustrated here last week on the floor of the House when he ruled out the administrative position of the gentleman from Delaware, Mr. Turner, and seriously injured his feelings. But lately he has taken opportunity to cast reflections upon the actions of the Members of the House and Senate while in Harrisburg, and even has gone so far as to say that because of lady lobbyists the Session has been continued beyond what it probably would have been.

In going through some papers on the floor at my desk just a little while ago I happened to pick up a letter which was addressed to Mrs. John Cummings, and after reading it I thought it should be submitted to the House for the benefit of the record, and by your permission, Mr. Speaker, I should like to read it. It is addressed to Mrs.

John M. Cummings, 3324 Diamond Street, Philadelphia, Penna. and reads as follows:

"Dear Mrs. Cummings:

"Newspaper columnists, we are led to believe, write their columns through personal experience and we believe that the columns of Mr. Cummings on the doings at Harrisburg are based on facts gathered by actual experience.

"If ever a man has been missed at Harrisburg, by the beautiful lady lobbyists and the blonde sirens at the Hotel Bolton, that man is the celebrated John M. Cummings, a past master at entertaining the ladies at Harrisburg. So, it was no surprise to some of the members of the House, who know of Mr. Cummings' dark and evil past, to see that he is again living over his many years in the night life of Harrisburg. When a man becomes old, he loves to relive those days when he was the talk of the boulevard cafes.

"I can remember my first session in Harrisburg, and my first visit to one of Harrisburg's night clubs. There was the celebrated Mr. Cummings sitting at a ring-side table, entertaining, with wit and story, all the female lobbyists of the House, for remember, female lobbyist must have the proper newspaper publicity to secure the action they require on special legislation. It was to that great dean of newspaper writers, Mr. Cummings, that these female lobbyists flocked to in great numbers, and I might add, it was only this week that I learned that Mr. Cummings is not a bachelor.

"Mrs. Cummings, on behalf of the legislators of Pennsylvania, I want to compliment you on not permitting your spouse to continue his playing around at Harrisburg, and for your ability to keep him close at home. We hope that you have read both of his columns and will read between the lines that he is merely again living over his many sessions in the State Capitol. He certainly is a man of experience."

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 316 entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 316

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. Levy, Lovett and James.

Ordered, That the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. KENEHAN, from the Committee on Mines and Mining, reported as committed, House Bill No. 1760, entitled:

An Act creating a commission to make a study and in-

vestigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

Mr. MALLOY, from the Committee on Appropriations, re-reported as committed, House Bill No. 389, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Mr. BAKER, from the Committee on Workmen's Compensation, re-reported as committed, House Bill No. 990, entitled:

An Act to amend section one hundred and eight of the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine, (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by further defining the term "occupational disease."

Mr. HERING, from the Committee on Workmen's Compensation, re-reported as committed, House Bill No. 1002, entitled:

An Act to further reenact and amend the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," prescribing duties on certain employers changing maximum and minimum rates, periods, total amounts and aggregate of compensation; changing the system of computation of wages for compensation purposes; changing practice and rules of evidence; defining earning power after accident; authorizing the board to terminate compensation in certain cases; changing the classes of dependents entitled to compensation in case of death; changing powers and duties of the board; and imposing additional penalties; authorizing the department, the board and the referees to approve compromise agreements in certain cases, and generally amending, clarifying and changing the provisions of said act.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to page 2 of today's calendar, bills on first reading, House Bill No. 1430, which is now on file. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1430, entitled:

An Act to further amend section two of the act, approved the first day of June, one thousand nine hundred and thirty-three, (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

CONDOLENCE RESOLUTION

Messrs. MODELL and PROSEN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, June 3, 1941.

The House of Representatives has learned with sorrow of the passing of Dr. Emanuel Jacobson, age 50, suddenly on May 28, 1941.

Dr. Jacobson was prominently known in the City of Philadelphia and throughout the Commonwealth for his achievements in the osteopathic field. He was former professor of pathology at the Philadelphia College of Osteopathy, where he founded the well known Atlas Club and before his untimely death was a guest lecturer at that institution. He was likewise formerly Director in Chief of Laboratories at the Hospital for Deformities and Joint Diseases in New York, and at one time was a member of the Pennsylvania State Board of Osteopathic Examiners.

He leaves surviving him, two brothers and a sister residing in New York City.

Since it is fitting for this House to pause in its deliberations to note the passing of its prominent citizens; now therefore be it

Resolved, That the House of Representatives mourns the passing of Dr. Emanuel Jacobson, an able and useful citizen, and be it further

Resolved, That copies of this resolution be sent to:

Mr. Joseph Jacobson	Mr. Morton Jacobson
Mr. Benjamin Jacobson	Mrs. Jean Goldstein
Mr. Paul Jacobson	Mrs. Rose Ittelman

surviving members of the family of the deceased, to his closest personal friend, Samuel A. Blank, a former member of this House, to the Osteopathic Hospital, in Philadelphia, and to the Lincoln Lodge of B'nai B'rith, of which he was an active member, conveying thereby the heartfelt sympathy of the House to them in their bereavement and loss.

BASEBALL CHALLENGE

The SPEAKER. The Speaker has been asked on behalf of the Democratic Members to challenge the Republican Members to a game of softball, the Republican floor leader to pick out a captain. For information of the Members Democratic Members asked the Speaker to play with them but the Speaker refused, saying it is a "sissy" game.

PERMISSION TO ADDRESS HOUSE

Mr. SKALE asked and obtained unanimous consent to address the House.

Mr. Speaker, about a month ago I received a request from a group of newly naturalized citizens who were coming for a visit to the Capitol. They came to Harrisburg this afternoon but unfortunately they were delayed because of an accident enroute to Harrisburg. They were sitting up in the gallery and could not stay very long.

Mr. Speaker, I ask permission of the House to offer my few brief remarks of welcome to these visitors and I ask consent of the House to have them spread on the record.

The SPEAKER. The remarks of the gentleman will be spread upon the Journal of the House.

Mr. SKALE. Mr. Speaker, it is with a deep sense of honor and pride that I extend on behalf of the Members of this House a sincere welcome to the visitors from Philadelphia. To you people who have felt the love and appreciation of this land, who have learned to enjoy its privileges, its hopes and responsibilities and who are glad to say "I am an American"—I welcome you.

You now have an opportunity of seeing where and how representative government in this Commonwealth operates. Those of you who have already become citizens will soon enjoy the opportunity of selecting people to represent you in this body and other governmental bodies.

I am sure that it is with a sense of pride and feeling that you can now say "I am a citizen of the United States", because as a citizen of the United States you have certain responsibilities to your country. You have recently taken an oath of allegiance to the United States—it is not an allegiance to any one person, unless it be to God—not an allegiance to those who temporarily represent this great government. You have taken an oath of allegiance to a great ideal—to a great body of principles—to a great hope of the human race and while you may have come from many countries, you come with a purpose of leaving all other countries behind you, bringing what is best of their spirit, but not looking over your shoulders and seeking to perpetuate what you intended to leave behind in them.

America was created to unite mankind by those passions which lift and not by those passions which separate and debase. Before you came to this country you dreamed dreams of what America was to be and I hope you brought the dreams with you. No man who does not see visions will ever realize any high hope or undertake any high enterprise. Just because you brought dreams with you, America is more likely to realize dreams such as you brought. You are enriching us if you came expecting us to be better than we are.

About a year ago, President Roosevelt sent a message to new citizens and reminded them of their duty—"always to think first of America and at the same time to think in terms of humanity."

We in the United States, are given to the doctrine of human equality. We refuse to be led by a king, we believe in equality before the law. Education became universal for the first time in the history of the world. We declared that all men had the right to happiness—to pursue it. The state was made for the man—not man for the state. And while mistakes have been made, our country has grown and has had a good life. We have created and controlled our own Legislatures, our own schools. We have built and worshipped in our own religious institutions. We have a free press and we speak when we want and say what we want. JUSTICE pervades our courts and the same law applies to all men. We have not taught our children the hatred of other races—we have not taught our young men the goose step—we have not taught our people to raise their hands in a salute of fear—we have respected individual freedom.

To the new citizens, I say that we face a great issue—an issue between worlds which no nation can escape. The aggressor is attacking not only with planes and tanks, but with fear and propaganda. In order that the issue may not be confused, we must—new and old citi-

zens alike, beware of propaganda which attempts to destroy the history of Democracy in America.

You, new citizens, and you who are on your way to citizenship can bring to your new responsibilities a persuasive insistence that we face this great issue as fellow Americans—not as Democrats or Republicans, but as Americans. If we do not, then we will play into the hands of those who are attempting to disorganize and confuse us—who are attempting to confuse the real issue before us.

There must be the single purpose of living as we choose to live; the determination to hold steadily the faith in our own ideals. Ideals like ideas are curious things. They work only if you do. America is a nation of nations, united in the belief and love for the democratic way of living, with its respect for and guarantee to the individual citizen.

You new citizens bring to us new hopes and new dreams and a fresh realization in this grave time in the history of the world of "what privileges and safeties of citizenship" mean to us who are still free men and women.

It is our avowed purpose to stand shoulder to shoulder for the preservation of our ideals and free American government.

COMMITTEE MEETINGS

Counties, Wednesday, June 4, at 1:30 a. m. in Room 522.

Forestry, Wednesday, June 4, at 10:30 a. m. in Room 521.

Ways and Means, Wednesday, June 4, at 10 a. m. in Room 327.

The Democratic Steering Committee will meet Wednesday morning, June 4, 1941, at 10 a. m., E. S. T., in the New House Caucus Room.

SPEAKER'S PICNIC PARTY

Time—Wednesday, June 4, 1941. Leave Plaza in front of Capitol at 3:30 p. m. (D. S. T.).

Place—Blue Ridge Country Club. Go north on Front Street five miles; turn right on Route 39 for two miles. State Police will be stationed at intersection of Route 39, and at Club entrance.

Who's invited—Members of the House. Officers and employes of the House. Staff and employes of Legislative Reference Bureau. Legislative correspondents.

Transportation—If you do not have transportation, report to Thomas J. Callahan, in Chief Clerk's Office, not later than Tuesday, June 3, 1941.

Supper—5:45 p. m. (D. S. T.).

ADJOURNMENT

Mr. MAXWELL. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 4, 1941, at 11 a. m.

The motion was agreed to, and (at 4:43 p. m.) the House adjourned.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, JUNE 4, 1941.

No. 65.

SENATE

WEDNESDAY, June 4, 1941.

The Senate met at 2:00 o'clock, p. m., E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our blessed God, how fitting it is for these Thy servants placed in positions of great public trust and responsibility to be found in prayer with Thee before beginning the work of another legislative day! And how wonderful and exceedingly helpful these few minutes may become to us all as we ask thy holy presence in our minds and hearts as we struggle with the many vexatious problems confronting us! May we truly seek Thee in spirit and truth. Clothe us with humility and steep us in penitence for we have gone far afield from doing Thy will.

Keep us from presumptuous sins. Let them not have dominion over us. Cleanse Thou our hearts from secret sins and renew right spirits within us. Then shall we be glad and rejoice in Thee all day long. Then will our burdens be lightened and our hearts find peace.

And, Father, may our prayers never cease to ascend unto Thee nor Thy blessing to descend upon us for we are Thy creatures even though disordered at times. Forgive us of our sins and, in sequence, place in our hearts the sweet consciousness of forgiven sin through Jesus Christ, Our Lord, Who liveth and reigneth with Thee and the Holy Ghost, ever one God, world without end. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. THOMAS B. WILSON and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

RECALLING SENATE BILL No. 345 FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 3, 1941.

Resolved, (if the House of Representatives concur) that Senate Bill No. 345, (House Bill No. 1550), entitled:

An Act to amend subsection (a) of section sixteen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," decreasing the period within which appeals may be taken from decrease of registers of wills probating or refusing to probate wills

be recalled from the Governor for the purpose of amendment.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House, as follows:

House Bill No. 94, (Senate Bill No. 1105), entitled:

An Act to amend section fifteen hundred and nine of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by providing that the board of directors of any school district may appropriate funds to pay for medical examinations for tuberculosis for pupils, teachers, janitors, or other employees.

Which was committed to the Committee on Education.

House Bill No. 786, (Senate Bill No. 1106), entitled:

An Act to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses.

Which was committed to the Committee on Municipal Government.

House Bill No. 788, (Senate Bill No. 1107), entitled:

An Act to promote the general public health and welfare by regulating the business of "strip mining" or mining coal by removing the overlying soil or strata therefrom; authorizing the Department of Mines to issue permits for "strip mining" operations; requiring those proposing to engage in strip mining operations to file a bond with the Department of Mines to secure the leveling and replacement of the surface soil; imposing certain additional duties upon the Department of Mines and the various mine inspectors; and providing penalties.

Which was committed to the Committee on Mines and Mining.

House Bill No. 820, (Senate Bill No. 1108), entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," as amended, exempting from the mercantile license tax so much of the business of manufacturers and mechanics as comprises the vending of goods of their manufacture from their factories and workshops.

Which was committed to the Committee on Finance.

House Bill No. 957, (Senate Bill No. 1109), entitled:

An Act to amend the act, approved the fourth day of June, one thousand nine hundred and thirty-seven (P. L. 1625), entitled "An act providing for the creation, maintenance and operation of a county employes retirement system in counties of the third class; and imposing certain charges on counties," by defining "Average Salary" and further defining "County Employee" and "Retirement Allowance;" further regulating retirement funds and allowances and the payment of retirement allowances and refunds in case of withdrawal or death of members validating certain contributions; providing for further admissions to the system and protecting rights heretofore vested.

Which was committed to the Committee on State Government.

House Bill No. 1437, (Senate Bill No. 1110), entitled:

An Act to further amend section one thousand four hundred and thirty-two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code" further providing for home and school visitors, and attendance officers, and for their compensation.

Which was committed to the Committee on Education.

House Bill No. 1559, (Senate Bill No. 1111), entitled:

An Act to amend the definition of "Peace Officer" as set forth in section one hundred and two of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "Vehicle Code," by including therein military police and certain other persons in the armed service of the United States.

Which was committed to the Committee on Military Affairs.

House Bill No. 1572, (Senate Bill No. 1112), entitled:

An Act to amend the act, approved the second day of March, one thousand nine hundred thirty-three (P. L. 6), entitled "An act to enable persons, associations, partnerships and corporations engaged in farming, and raising, breeding, fattening and marketing livestock, to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on livestock, farm machinery, farm equipment, and crops; and designating the operation and effect of the lien of such mortgages" as amended, by extending, enlarging, and removing the limitations upon the class of those who may become chattel mortgagees, by making further provisions respecting the fees of recorders of deeds in connection with chattel mortgages, the extension of the lien and defaults of said mortgages and by defining violations and prescribing penalties.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 645

He also presented communication from the House of Representatives informing the Senate that the House has

concurred in amendments made by the Senate to House Bill No. 645, entitled:

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "General County Law," by requiring all contracts of county commissioners over five hundred dollars to be made with the lowest and best bidder, after due notice published.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 762

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 762, entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "Dog Law of 1921," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 764

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 764, entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "The Game Law," providing for the establishment, regulation and use of special dog training areas.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 949

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 949, entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphans' Court Act of 1917," by imposing liability on executors, administrators or trustee for real estate brokers commissions in certain cases.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1005

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1005, entitled:

An Act to add section six hundred ninety-nine and six-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1022

He also presented communication from the House of

Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of nonresident hunting licenses, without securing a Pennsylvania dog license.

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL No. 66 RECALLED FROM THE GOVERNOR

He also informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 316, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in Senate amendments to House Bill No. 316, entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority

And has appointed Messrs. Levy, Lovett and James as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between two houses in relation to said bill.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 364, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in Senate amendments to House Bill No. 364, entitled:

An Act to amend the act approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (P. L. 786), entitled, as amended "The Workmen's Compensation Act of 1915," amplifying the provisions thereof as to persons entitled to such payments

and has appointed Messrs. Heatherington, Moran and David Reese, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between two houses in relation to said bill.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 510

He also informed the Senate, that the House has non-concurred in the amendments made by the Senate to House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "Sunday Motion Pictures Act," by changing the method whereby future referendums be initiated.

SENATE INSISTS UPON ITS AMENDMENTS NON- CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 510

Mr. EALY. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House to House Bill No. 510.

Mr. SCARLETT. Mr. President, I second the motion. The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 104, entitled:

An Act to further amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "Veterans' Compensation Act," extending the time during which application may be filed for veterans compensation.

House Bill No. 374, entitled:

An Act to add clause (e) to section four of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540), entitled "Fiduciaries Investment Act," by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures; and prescribing the effect thereof.

House Bill No. 525, entitled:

An Act amending, revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws.

House Bill No. 717, entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

House Bill No. 764, entitled:

An Act to add section nine hundred thirty-eight to the act, approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled "The Game

Law," providing for the establishment, regulation and use of special dog training areas.

House Bill No. 885, entitled:

An Act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law" providing for filling vacancies in the office of township commissioner.

House Bill No. 949, entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "Orphan's Court Act of 1917," by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases.

House Bill No. 1005, entitled:

An Act to add section six hundred ninety-nine and six-tenths of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency and providing penalties.

House Bill No. 1022, entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), "Dog Law of 1921," permitting certain dogs to be brought into the Commonwealth for hunting purposes, by holders of non-resident hunting licenses, without securing a Pennsylvania dog license.

House Bill No. 1088, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation.

House Bill No. 1240, entitled:

An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made.

House Bill No. 1255, entitled:

An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue new bonds therefor.

House Bill No. 1259, entitled:

An Act creating and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class; and imposing certain charges on counties.

House Bill No. 1270, entitled:

An Act to further amend sections one two and seven of the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 510) entitled "An act providing for the licensure and regulation of certain private nursing homes and private hospitals conferring certain powers and duties upon the Department of Welfare and providing penalties" limiting the provisions of said act to exclude nursing homes and hospitals operated on a non-profit basis

House Bill No. 1510, entitled:

An Act to further amend section two of the act, approved the third day of June, one thousand nine hundred and nineteen (P. L. 369), entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million five hundred thousand inhabitants, of a chief county detective, an assistant chief county detective, and special county detectives; defining their duties; defining their authority; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," by increasing the compensation of the chief county detective.

House Bill No. 645, entitled:

An Act to further amend article four, section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled "General County Law," by requiring all contracts of county commissioners over five hundred dollars to be made with the lowest and best bidder, after due notice published.

House Bill No. 762, entitled:

An Act to further amend section twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "Dog Law of 1921," permitting dogs kept in a kennel to be taken out for training, exercise or entry in field trials.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis), in the presence of the Senate signed the same.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read as follows and referred to the Committee on State Government.

In the House of Representatives, May 28, 1941.

Whereas, President Franklin Delano Roosevelt in his epoch making speech last evening presented a complete factual report of the imminent danger to our American democracy; and

Whereas, At the conclusion of his speech he stated he was proclaiming an unlimited emergency; and

Whereas, In his emergency proclamation he states "I call upon loyal state and local leaders and officials to co-operate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions"; and

Whereas, The General Assembly of the Commonwealth of Pennsylvania is dedicated to the proposition that democracies shall not perish from the face of this earth; and

Whereas, The General Assembly of the Commonwealth of Pennsylvania has by its legislative action taken steps to carry out the national defense program of the President of the United States; therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania calls upon all state and local leaders and officials to cooperate with the President's civilian defense agencies so that this Nation may present a united front against all subversive forces and utilize to the last ounce the great resources of this Commonwealth in order to make our Nation thoroughly secure from attacks both within and without.

(Signed) JAMES J. MALLOY

EDWARD C. SCHWAB

BILL SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

Senate Bill No. 66, entitled:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," imposing additional duties on and providing for additional compensation of veterans' grave registrars

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 4, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Sophia Haber, Duquesne.

BLAIR COUNTY

Miss M. Louise Felton, Altoona.
Miss Gladys Primel, Altoona.

CHESTER COUNTY

Ernest Baxter, Downingtown.

DELAWARE COUNTY

Mrs. Alberta T. Ives, Media.

FAYETTE COUNTY

Fred Glover, Fairchance.

LANCASTER COUNTY

A. R. Bechtel, Mount Joy Twp., Rheems.

MONTGOMERY COUNTY

C. W. Scarbrough, Jenkintown.

PHILADELPHIA COUNTY

David Berk, 500 Green St., Philadelphia.
Howard W. Huber, 34 East Logan St., Philadelphia.

LEHIGH COUNTY

Pasquale Stravino, Allentown.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	DiSilvestro,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman,
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Tyler,
Cavalcante,	Frey,	McCreesh,	Wade,
Chapman,	Geitz,	Miller,	Walker,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Snowden,	Woodward,
Deitrick,	Jaspan,	Stevenson,	Ziesenheim,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

NOMINATIONS BY THE GOVERNOR

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS ALDERMAN IN
LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas M. Dugan, 508 East Main Street, Nanticoke, Luzerne County, for appointment as Alderman in and for the First Ward of the City of Nanticoke, Luzerne County, until the first Monday in January, 1942, vice James G. Cooke, resigned.

ARTHUR H. JAMES.

FELICITATIONS TO HONORABLE HARVEY TAYLOR
ON HIS BIRTHDAY

Mr. COLEMAN offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 4, 1941.

Whereas, Three score and a few years ago, there was born in this Commonwealth a great fellow and a good Republican; and

Whereas, During these many long years he has engaged in many political wars testing whether the Republican party or the Democratic party would the longer endure; and

Whereas, We are now engaged in a legislative battle of one of these political wars; and

Whereas, Nature has endowed him with certain qualities—among them the capacity for making and holding friends; and

Whereas, His indescribable personal charm, great heart, and true-blue friendship would suggest that he might be a Democrat; and

Whereas, He has planted the seed of brotherhood into the soil of Senatorial hearts, nurtured by the sunshine of his smile; and

Whereas, His radiant personality has cemented the bond of friendship existing between the members on both sides of the House; and

Whereas, He will undoubtedly spend the remainder of his life for the G. O. P., of the G. O. P., and by the G. O. P.; and

Whereas, His earnestness, intelligence, and thoughtful consideration of the other fellow's point of view has impressed all of us; now, therefore, be it

Resolved, That the members of the Senate express their felicitations to the Honorable M. Harvey Taylor, Senator from Dauphin County, on this, his natal day; and be it further

Resolved, That a copy of this resolution be forwarded to Senator Taylor with the further thought that

May he live a thousand years,
And may we live a thousand, too;
A thousand less a day, because
We wouldn't want to be on Earth
When Harvey Taylor passed away.

RECONSIDERATION OF SENATE BILL No. 959, (HOUSE BILL No. 572).

Mr. GELTZ. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one

was passed finally, June 3, 1941.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. GELTZ. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye".

Mr. EALY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. EALY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. GELTZ. Mr. President, I ask unanimous consent to Amend section 2, page 6, line 1 by striking out at the

end of the line the following: "[Except as hereinafter provided this act]" Amend section 2, page 6, by striking out lines 2 to 7, inclusive, and inserting in lieu thereof the following: "This act shall become effective immediately upon its final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. GELTZ. Mr. President, I might say for the benefit of some of the Senators who might have questions in their minds that this bill was passed originally to become effective as of the first day of June; we have been advised we will have to amend that section to make it effective upon final enactment, since final passage occurred after the first day of June.

REPORTS FROM COMMITTEES

Mr. CROWE, from the Committee on Agriculture, reported as committed, Senate Bill No. 912, entitled:

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 879, (House Bill No. 1413), entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 594, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance to include work relief, and authorizing the Department of Public Assistance, with the approval of the Governor, to administer work relief projects.

Mr. MILLER, from the Committee on Education, re-

ported as committed, Senate Bill No. 531, (House Bill No. 383), entitled:

An Act to further amend section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing that school districts of the fourth class may employ at their own expense a medical inspector.

Mr. FARRELL, from the Committee on Education, reported as amended, Senate Bill No. 704, (House Bill No. 837), entitled:

An Act to further amend section one thousand seven hundred and four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles.

Mr. THOMAS, from the Committee on County Government, reported as committed, Senate Bill No. 862, (House Bill No. 1072), entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

Mr. SCARLETT, from the Committee on County Government, reported as committed, Senate Bill No. 1015, entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing, that the reasonable cost thereof shall be borne by the several counties.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 1020, entitled:

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof.

He also, from the Committee on Law and Order, reported as committed, Senate Bill No. 532, (House Bill No. 550), entitled:

An Act to repeal the act approved the twenty-eighth day of March, one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses, or other places for the sale of intoxicating and other drinks, and the penalty for the violation thereof."

He also, from the Committee on Highways, re-reported as amended, Senate Bill No. 344, entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service lines.

Mr. EDMONDS, from the Committee on Education, reported as amended, Senate Bill No. 694, (House Bill No. 1175), entitled:

An Act to amend section six hundred fifteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

Mr. ZIESENHEIM, from the Committee on Highways, reported as amended, Senate Bill No. 750, (House Bill No. 398), entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

Mr. BARLETT, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 715, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 579, (House Bill No. 392), entitled:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 1073, (House Bill No. 1429), entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose

occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled "An act creating the Department of Health and defining its powers and duties," approved the twenty-seventh day of April nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office, and declaring such offices vacant.

Mr. McQUIDDY, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 814, (House Bill No. 1190), entitled:

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

Mr. CHAPMAN, from the Committee on Law and Order, reported as amended, Senate Bill No. 1061, (House Bill No. 811), entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturation redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

He also, from the Committee on Law and Order, reported as committed, Senate Bill No. 1062, (House Bill No. 830), entitled:

An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined.

He also, from the Committee on Law and Order, reported as committed, Senate Bill No. 1063, (House Bill No. 831), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in

malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 1099, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith", as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

Mr. HOMSHER, from the Committee on Agriculture, reported as committed, Senate Bill No. 1102, entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

Mr. TYLER, from the Committee on County Government, reported as committed, Senate Bill No. 923, (House Bill No. 943), entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

He also, from the Committee on County Government, reported as committed, Senate Bill No. 890, (House Bill No. 139), entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act

to enlarge the jurisdiction of justices of peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

He also, from the Committee on Highways, reported as committed, Senate Bill No. 765, (House Bill No. 1071, entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employees; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway; and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township, county, borough, incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act." providing for the payment of costs by the Commonwealth in certain cases.

Mr. CARR, from the Committee on Agriculture, reported as committed, Senate Bill No. 1021, entitled:

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, defining their powers and duties; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing county commissioners to make appropriations for the use

of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

Mr. HALUSKA, from the Committee on Education, reported as amended, Senate Bill No. 522, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting up new period for expiration of certificates issued by board; permitting beauty culture schools in certain cases to charge for materials used in giving treatments to the public and imposing penalties.

Mr. CRIDER, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 1094, entitled:

A Joint Resolution proposing an amendment to section thirteen, article three, of the Constitution of the Commonwealth of Pennsylvania.

RESOLUTION ENDORSING JUNE DAIRY MONTH

Mr. CRIDER, from the Committee on Agriculture, to which was referred resolution offered by Messrs. SCARLETT and WADE on May 27, 1941, reported the same without amendment as follows:

In the Senate, May 27, 1941.

Whereas, Nationally organized milk and dairy products interests have proclaimed the month of June, 1941—the first to thirtieth, inclusive—as JUNE DAIRY MONTH; and

Whereas, This event is designed to increase the consumption of milk and dairy products during the period of peak production and thereby decrease the milk surplus that depresses the milk markets, such surplus milk adversely affecting the dairy farmer's cash income; and

Whereas, Pennsylvania is a leader in the dollar value of milk produced annually; and

Whereas, Milk purchased from dairy farms in Pennsylvania's sixty-seven counties exceeds \$100,000,000 annually, the largest single cash farm income received by the farmer; and

Whereas, There are more than 125,000 farmers owning cattle herds producing milk in every one of Pennsylvania's sixty-seven counties; and

Whereas, Milk manufacturers and distributors, grocery, drug and variety stores, restaurant and hotel operators, and various other vendors in the Commonwealth of Pennsylvania have organized for the purpose of cooperating with milk producing farmers in this intensive JUNE DAIRY MONTH Campaign; now, therefore, be it

Resolved, That the State Senate of the Commonwealth of Pennsylvania endorses JUNE DAIRY MONTH and calls upon the consumers of the State to help Pennsylvania's milk producing farmers materially increase their market for milk and dairy products during JUNE DAIRY MONTH.

The resolution will lie on the table.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Leo A. Werner, 10 Mark Street, St. Marys, Elk County, for appointment as Justice of the Peace in and for the Borough of St. Marys, Elk County, until the first Monday in January, 1942, vice Edward W. Kuntz, deceased.

ARTHUR H. JAMES.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 28, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate James E. Blakeslee, Bear Creek, Luzerne County, for appointment as Justice of the Peace in and for the Township of Buck, Luzerne County, until the first Monday in January, 1942, vice Ira Hutchins, deceased.

ARTHUR H. JAMES.

RULE 38 SUSPENDED

By unanimous consent.

A motion was made by Mr. JAMES and Mr. EDMONDS

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's sessions.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EDMONDS

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

Two thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1014, (House Bill No. 1512), entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

He also, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 999, entitled:

An Act to amend an act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters and providing procedure," as amended, by further defining the liability of certain relatives for the support of indigent persons and authorizing execution against certain property in certain cases.

BILLS INTRODUCED

Mr. THOMAS B. WILSON (by request), read in his place and presented to the Chair Senate Bill No. 1113, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended by providing a fixed method for the computation of time

vesting power of appointment and dismissal of employees of commission in the chairman; providing that the Governor shall designate the chairman; changing the period for registration, reducing number of registers and registration cards; providing for posting street lists; reducing period for cancellation of registration to two years; changing period of time for sending in removal notices; changing party enrollment, and filing and hearing strikeoff petitions; imposing duties on certain city officials and others relative to permanent residents of hotels, tenements and lodging houses; providing for the removal of the Commission and the Registrar of Vital Statistics; making clarifying provisions; repealing ineffective provisions; increasing power of the Courts on hearing appeals, establishing a merit system, and imposing additional penalties.

Which was committed to the Committee on Elections.

Mr. HENRY I. WILSON, read in his place and presented to the Chair Senate Bill No. 1114, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 1115, entitled:

A Supplement to the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by authorizing county boards of assistance to provide food and shelter for persons on relief in lieu of cash relief.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. MILLER read in his place and presented to the Chair Senate Bill No. 1116; entitled:

An Act to further amend section two thousand one hundred and three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled, "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing as to the hours of service of certain regularly employed drivers and firemen of volunteer fire departments, in cities of the third class, where such persons are paid directly or indirectly by the city or by granting gratuities to the respective volunteer companies.

Which was committed to the Committee on Municipal Government.

Mr. HEYBURN read in his place and presented to the Chair Senate Bill No. 1117, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce, providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce."

Which was committed to the Committee on Agriculture.

SENATE RESOLUTION ENDORSING "JUNE DAIRY MONTH" CALLED UP

Mr. WADE. Mr. President, I now call up Senate Resolution, Serial No. 55, which was reported from Committee on Agriculture, and move its immediate adoption.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

The Resolution was read as follows:

In the Senate, May 27, 1941.

Whereas, Nationally organized milk and dairy products interests have proclaimed the month of June, 1941—the first to thirtieth, inclusive—as JUNE DAIRY MONTH; and

Whereas, This event is designed to increase the consumption of milk and dairy products during the period of peak production and thereby decrease the milk surplus that depresses the milk markets, such surplus milk adversely affecting the dairy farmer's cash income; and

Whereas, Pennsylvania is a leader in the dollar value of milk produced annually; and

Whereas, Milk purchased from dairy farms in Pennsylvania's sixty-seven counties exceeds \$100,000,000 annually, the largest single cash farm income received by the farmer; and

Whereas, There are more than 125,000 farmers owning cattle herds producing milk in every one of Pennsylvania's sixty-seven counties; and

Whereas, Milk manufacturers and distributors, grocery, drug and variety stores, restaurant and hotel operators, and various other vendors in the Commonwealth of Pennsylvania have organized for the purpose of cooperating with milk producing farmers in this intensive JUNE DAIRY MONTH Campaign; now, therefore, be it

Resolved, That the State Senate of the Commonwealth of Pennsylvania endorses JUNE DAIRY MONTH and calls upon the consumers of the State to help Pennsylvania's milk producing farmers materially increase their market for milk and dairy products during JUNE DAIRY MONTH.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

RESOLUTION RECALLING SENATE BILL No. 141 FROM THE GOVERNOR FOR THE PURPOSE OF AMENDMENT

Mr. MILLER. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER, offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 4, 1941.

Resolved, (if the House of Representatives concur), that Senate Bill No. 141, Printer's No. 278, entitled "An Act providing that a juvenile court adjudication against

a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS MEMBERS OF NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Northumberland County Board of Assistance, for the terms set opposite their names:

Chester L. Alexander, 45 Rose Street, Milton, until December 31, 1943, and until his successor is duly appointed and qualified.

Harry Haddon, Northumberland, until December 31, 1943, and until his successor is duly appointed and qualified.

Richard McKeever, Shamokin, until December 31, 1943, and until his successor is duly appointed and qualified.

Mrs. Ida Butts Morse, 35 North Walnut Street, Mt. Carmel, until December 31, 1942, and until her successor is duly appointed and qualified.

Dr. Joseph T. Wasilewski, 819 Chestnut Street, Kulpmont, until December 31, 1942, and until his successor is duly appointed and qualified.

Dr. Robert Vastine, 76 East Sunbury Street, Shamokin, until December 31, 1941, and until his successor is duly appointed and qualified.

Joseph Zecoski, 40 West Fourth Street, Mt. Carmel, until December 31, 1941, and until his successor is duly appointed and qualified.

ARTHUR H. JAMES.

PERMISSION TO ADDRESS THE SENATE

Mr. STIEFEL. Mr. President, I desire to make a brief statement.

The PRESIDENT. The gentleman from Philadelphia will proceed.

Mr. STIEFEL. Mr. President, I ask permission to have spread in the Legislative Journal a statement concerning The Moore Institute of Art, Science and Industry.

The PRESIDENT. If there is no objection the statement of the gentleman from Philadelphia will be spread in the Journal.

Mr. STIEFEL. Mr. President and Members of the Senate:

Several months ago, during the placid days of this session, Senator Coleman of Lackawanna delivered a stirring and memorable address wherein he justly criticized certain passages from a book entitled "Pennsylvania—A Guide To the Keystone State", compiled and edited by Pennsylvanias Writers' Project under the auspices of WPA and published by Oxford University Press. These passages, in condensing to capsulesize the description of Scranton—Pennsylvania's coal-metropolis—utterly failed to include therein the descriptive essentials and salients,

thus underestimating the role of a great Pennsylvania city.

I have recently undertaken a careful perusal and study of that section of the WPA "opus" that deals with Philadelphia generally, and its seats of culture in particular. Fully cognizant of the fact that during the closing days of this session, each legislative minute is precious, I am constrained to compress my remarks to a general statement that also in the case of Philadelphia I have detected several flagrant omissions in the description of the role of some of our great centers of learning in the advancement of Pennsylvania.

The case of the Moore Institute of Art, Science and Industry, located in the City of Philadelphia at Broad and Master Streets, is the most illustrative example. Thus, on page 117 the "Guide" states, inter alia: "—The Philadelphia School of Design For Women, founded in 1844 and known as the Moore Institute of Art, Science and Industry (1844) opened in Philadelphia during a period of marked material development." And further on Page 289 it states as follows: "78. The Moore Institute of Art, Science and Industry, S. W. Corner Broad and Master Streets, was known as the Philadelphia School of Design For Women from 1844, when it was founded, until 1932, when it was merged with the Moore Institute, founded in 1921 in accordance with the terms of the will of the late Joseph Moore, Jr. The oldest school of Applied Art for Women in the United States, it occupies a building of which one part was the home of Edwin Forrest, the famous Shakespearean actor. Large classrooms and studios have been added. A five-year course in technical and industrial design, interior decorating, textiles, and period furniture leads to the Bachelor of Fine Arts degree."

These two passages, in my opinion, have flagrantly omitted the most essential descriptive feature that would be of interest to Pennsylvanians: namely, the role of the institution in the cultural life of the Keystone State, and above all, the service rendered by this great School to our citizenry.

The School is exclusively for girls and women, since the management believes that in the studies of design, better results can be obtained without co-education.

To accommodate pupils coming from outside of Philadelphia, the School evolved a perfect dormitory system which retains a warm atmosphere of home-life. The Residence Houses for out-of-town students are located on the south side of Philadelphia's classic Logan Circle, facing the Parkway, the main library of Philadelphia, and in close proximity to the Franklin Memorial, the Academy of Natural Sciences, Rodin Museum and the Philadelphia Museum of Art. I am sure that many of my colleagues who from time to time avail themselves of the generous cooperation of the authorities of the Moore Institute that enables them to send thereto a gifted constituent, will attest to the great service of this dormitory system, which is second to none and was never excelled in any other institution in the United States.

Completing now its 96th year, the Moore Institute offered during the 1940-1941 academic year multi-faceted courses in Design, Fashion Arts, Interior Decoration, Jewelry, Puppetry, Decorative Design and Crafts and Weave Formation and Jacquard Drafting. In addition thereto, the Moore Institute offered a comprehensive and complex course for the preparation of Art teachers in public and private schools and colleges. The curriculum

is three-fold: First, the development of knowledge and skill in Design, Fine Arts, and Crafts; Second, academic studies, including Science, Psychology and Education, History and English, which supplement the Art studies throughout the course, as do also Methods of Teaching and practice in the public school.

It was because the "Guide" failed to mention the great service rendered by this fine seat of culture in shaping the artistic advancement of Pennsylvania that I deemed it to be my duty to rise this morning and voice this brief criticism.

CALENDAR

SENATE BILL No. 472, (HOUSE BILL No. 690), ON THIRD READING CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 472, (House Bill No. 690), on third reading and final passage, page 4, of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 472, (House Bill No. 690), as follows:

An Act to further amend sections 402 411 703 704 705 707 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damage caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" providing for the registration and fixing registration fees of commercial motor vehicles truck tractors trailers and semi-trailers according to gross weight and certain motor buses and omnibuses with pneumatic tires according to equipment fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the definition of the word "chassis" in section 102 of the act approved May first one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers

of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as last amended by the act approved June twenty-seventh one thousand nine hundred and thirty-nine (P. L. 1135) which reads as follows

"Chassis" The chassis of a motor vehicle to be propelled by an internal combustion or steam engine shall consist of an assembly of all essential parts with protective housings ready for operation on the highway including as minimum equipment a set of tires attached to the wheels driver's seat including cab front wheel fenders running board or mounting step tool compartment priming coat on all part to be painted pair of front lamps and one rear lamp license brackets jack and a set of tools commonly used for making adjustments and minor repairs on the highway water oil and fuel

Be and the same is hereby repealed

Section 2 That section 402 of said act as amended by the acts approved June twenty-second one thousand nine hundred and thirty-one (P. L. 751) and July nineteenth one thousand nine hundred and thirty-five (P. L. 1056) is hereby further amended to read as follows

Section 402 Application for Registration (a) Application for the registration of a motor vehicle trailer or semi-trailer shall be made to the department upon a form furnished by the department The application shall contain the full name and the actual or bona fide address of the owner or owners together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of commercial motor vehicles the gross weight as given and certified to by the manufacturer and in the case of electric commercial motor vehicles the gross weight as given and certified to by the manufacturer and in the case of trailers and semi-trailers the gross weight of the trailer or semi-trailer as certified to by the manufacturer and also such description of the motor vehicles trailer or semi-trailer including lamps and other equipment as the secretary shall require The application shall be signed by the owner if a natural person and in cases where the owner is a corporation partnership or association by an executive officer thereof or some person specifically authorized by said corporation partnership or association to sign the same and shall be accompanied by the fee provided in this act

(b) Applicants for registration who are not residents of this Commonwealth shall by their application in addition to the above requirements designate the secretary as their authorized agent upon whom process may be served

(c) Annual renewals of the registration of a motor vehicle shall be made in such manner as the department may require upon a form furnished by the department accompanied by the fee provided in this act The department shall mail such forms to the last address of the owner as it appears on the department records

Provided That annual renewal forms will not be mailed to owners of motor vehicles not registered by such owners during the previous year Such renewal forms may however be obtained upon presentation of certificate of title or such other information as the secretary may deem satisfactory

Section 3 That section 411 of said act as last amended by the act of June twenty-seven one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows

Section 411 Transfer Of Registration (a) Upon transfer of ownership or the destruction of any motor vehicle trailer or semi-trailer the registration shall expire

(b) When transfer of registration plates is made from

one motor vehicle to another owned by the same person application shall be made immediately to the Department upon a form furnished by the department accompanied by the transfer fee provided in this act when the motor vehicle trailer or semi-trailer is of equal or less horsepower or classification than that originally registered or accompanied by the transfer fee provided in this act and the difference between the fee originally paid and that due if the motor vehicle trailer or semi-trailer to which the registration plates are transferred be properly registered in a higher class

(c) The application shall contain the full name and the actual or bona fide address of the owner together with the name manufacturer's serial number engine number the character of the motive power and the horsepower or seating capacity and in the case of a commercial motor vehicle the gross weight as given and certified to by the manufacturer and in the case of trailers and semi-trailers the gross weight as certified to by the manufacturer and also such description of the motor vehicle trailer or semi-trailer including lamps and other equipment as the secretary shall require. The application shall be signed by the owner if a natural person and in the cases where the owner is a corporation co-partnership or association by an executive officer thereof or some person specifically authorized by the said corporation co-partnership or association to sign the same

(d) When a transfer of registration is made the owner shall be given a transfer registration card and new registration number if transfer is made to another classification. Immediately upon receipt of such transfer registration card the owner shall return to the department the original registration card unless such card has been lost or destroyed

(e) When a transfer of registration is made after a vehicle has been registered for the succeeding year and the transfer application has been received and completed by the department prior to April first of such succeeding year the transfer fee provided in this act shall not be required

Penalty Any person violating any of the provisions of subsections (b) or (d) of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten (\$10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 4 That section 703 of said act as last amended by the act of June twenty-second one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 703 Commercial Motor Vehicles and Truck Tractors Commercial motor vehicles and truck tractors shall be divided into eight (8) classes and the fee for annual registration of such vehicles in each of the respective classes based on the gross weight as given and certified to by the manufacturer shall be as follows

Class	Gross Weight In Pounds	Pneu- matic Tires	Cushion Tires Fee	Solid Tires
Two Axle				
R	Less than 5001	\$ 16.50	\$ 21.00	\$ 27.00
S	5001 and over but less than 7001	26.00	28.00	40.00
T	7001 and over but less than 11,001	35.00	44.00	60.00
U	11,001 and over but less than 15,001	45.00	60.00	76.00
V	15,001 and over but less than 19,001	70.00	92.00	120.00
W	19,001 and over but less than 23,001	96.00	124.00	160.00
Y	23,001 and over but less than 27,001	120.00	156.00	204.00
Z	27,001 and over but less than 30,001	175.00	228.00	296.00

Three Axle				
RZ	Less than 12,001	40.00	52.00	68.00
SZ	12,001 and over but less than 16,001	52.00	68.00	88.00
TZ	16,001 and over but less than 20,001	72.00	92.00	120.00
UZ	20,001 and over but less than 24,001	104.00	136.00	176.00
VZ	24,001 and over but less than 28,001	136.00	176.00	232.00
WZ	28,001 and over but less than 32,001	168.00	216.00	284.00
YZ	32,001 and over but less than 36,001	200.00	260.00	340.00
ZZ	36,001 and over but less than 40,001	232.00	300.00	392.00

Section 5 That section 704 of said act as amended by the act of June twenty-second one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 704 Trailers and Semi-Trailers Trailers and Semi-Trailers shall be divided into classes and the fee for annual registration of such vehicles in each of the respective classes based on the gross weight as given and certified to by the manufacturer or builder shall be as follows

Class	Gross Weight in Pounds	Pneu- matic Tires	Cushion Tires Fee	Solid Tires
One Axle Semi-Trailer				
A	Less than 3001	\$5.00	\$6.00	\$8.00
B	3001 and over but less than 6001	8.00	10.00	15.00
C	6001 and over but less than 10,001	15.00	20.00	25.00
D	10,001 and over but less than 12,001	25.00	30.00	35.00
E	12,001 and over but less than 14,001	30.00	40.00	50.00
F	14,001 and over but less than 16,001	45.00	60.00	75.00
G	16,001 and over but less than 19,001	75.00	85.00	100.00
Two Axle Trailer or Semi-Trailer				
A	Less than 3001	\$5.00	\$6.00	\$8.00
B	3001 and over but less than 6001	8.00	10.00	15.00
C	6001 and over but less than 10,001	15.00	20.00	25.00
D	10,001 and over but less than 16,001	25.00	30.00	35.00
E	16,001 and over but less than 20,001	30.00	40.00	50.00
F	20,001 and over but less than 24,001	45.00	60.00	75.00
G	24,001 and over but less than 26,001	75.00	85.00	100.00
Three Axle Trailer				
AZ	Less than 12,001	40.00	45.00	50.00
BZ	12,001 and over but less than 15,001	45.00	50.00	60.00
CZ	15,001 and over but less than 15,001	45.00	50.00	60.00
DZ	20,001 and over but less than 26,001	60.00	75.00	90.00
EZ	26,001 and over but less than 30,001	75.00	100.00	125.00
FZ	30,001 and over but less than 34,001	85.00	110.00	135.00
GZ	34,001 and over but less than 36,001	100.00	125.00	150.00

Section 6 That section 705 of said act as amended by the act of June twenty-second one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 705 Registration of Certain Vehicles Heretofore registered Commercial motor vehicles truck tractors trailers and semi-trailers which were registered in this state or elsewhere on January 1, 1942 shall continue to be registered in the same registration class as heretofore or be first

registered in this state in said class until gross weight thereof has been certified to by the manufacturer but the registration fee for such registrations thereafter shall be the fee provided by this act for said class and such vehicles shall be governed as to gross weight by the provisions of this act applicable to said class without the gross weight therefor having been certified to by the manufacturer. Provided however that in those cases where a commercial motor vehicle has been titled or registered anywhere prior to January 1 1942 as a passenger vehicle that its registration hereafter shall be on the same basis as vehicles registered as commercial vehicles prior to January 1 1942.

Section 7 That section 706 of said act is hereby repealed.

Section 8 That section 707 of said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows:

Section 707 Motor Buses and Motor Omnibuses with Pneumatic Tires

The fee for annual registration of each motor bus and motor omnibus with pneumatic tires shall be according to seating capacity and the following classes:

Class	Seating Capacity	Fee
A	Five (5) passengers or less	\$25.00
B	More than five (5) passengers and less than eight (8) passengers	30.00
C	More than seven (7) passengers and not more than twenty-six (26) passengers	\$40.00 plus \$4.00 for each seat over seven seats
D	In excess of twenty-six (26) passengers except as otherwise provided in Class E	\$40.00 plus \$4.00 for each seat over seven seats to and including twenty-six seats plus \$10.00 for each seat over twenty-six
E	The maximum fee for two (2) axle four (4) wheel motor buses and motor omnibuses equipped with pneumatic tires shall be	175.00

Section 9 That section 903 of said act as amended by the acts of June twenty-second one thousand nine hundred and thirty-one (P. L. 751) and June twenty-ninth one thousand nine hundred and thirty-seven (P. L. 2329) and June twenty-seventh one thousand nine hundred and thirty-nine (P. L. 1135) is hereby further amended to read as follows:

Section 903 Weight of Vehicles And Loads

(a) No commercial motor vehicle or truck tractor shall be used or operated on any highway with a gross weight exceeding the maximum specified in section 703 for the registration class represented by registration plate displayed thereon.

(b) No trailer or semi-trailer shall be used or operated on any highway with a gross weight exceeding the maximum specified in section 704 for the registration class represented by the registration plate displayed thereon.

(c) No commercial motor vehicle truck tractor trailer nor semi-trailer shall be used or operated on any highway with a gross weight exceeding the maximum specified in sections 703 and 704 respectively for the registration class within which the gross weight as given and certified to by the manufacturer requires that it be registered.

(d) No two-wheeled vehicle except fire department equipment shall be operated upon any highway with gross weight in excess of nineteen thousand one (19,001) pounds or in excess of eight hundred (800) pounds on any one wheel for each nominal inch or width of tire.

(e) No four-wheeled vehicle except fire department equipment and any motor bus operated within a municipal

pality or in a business or residence district shall be operated upon any highway with a gross weight in excess of thirty thousand (30,000) pounds or in excess of nineteen thousand one (19,001) pounds on any axle or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.

(f) No six or more wheeled vehicle except fire department equipment shall be operated upon any highway with gross weight in excess of forty thousand (40,000) pounds or in excess of ten thousand (10,000) pounds on the front axle or in excess of nineteen thousand one (19,001) pounds on any one of the rear axles or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel and the two rear axles shall be parallel and shall not be less than thirty-six (36) inches apart.

(g) No truck tractor and semi-trailer combined except fire department equipment shall be operated upon any highway with a gross weight in excess of forty-two thousand one (42,001) pounds nor in excess of two hundred twenty (220) per cent of the allowable gross weight of the truck tractor if manufactured with two axles nor in excess of one hundred seventy (170) per cent of the allowable gross weight of the truck tractor if manufactured with three axles nor in excess of nineteen thousand one (19,001) pounds on any one axle nor in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel the axle or axles of a semi-trailer shall not be less than ninety-six (96) inches from the axle of the truck tractor.

(h) No commercial motor vehicle and trailer combined except fire department equipment shall be operated upon any highway with a gross weight in excess of two hundred twenty (220) per cent of the allowable gross weight of the commercial motor vehicle if manufactured with two axles nor in excess of one hundred seventy (170) per cent of the allowable gross weight of the commercial motor vehicle if manufactured with three axles nor in excess of sixty-two thousand (62,000) pounds or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.

No truck tractor semi-trailer and trailer combined except fire department equipment shall be operated upon any highway with a gross weight in excess of two hundred twenty (220) per cent of the allowable gross weight of the truck tractor if manufactured with two axles nor in excess of one hundred seventy (170) per cent of the allowable gross weight of the truck tractor if manufactured with three axles nor in excess of sixty-five thousand (65,000) pounds or in excess of eight hundred (800) pounds on any one wheel for each nominal inch of width of tire on such wheel.

(i) Maximum gross weights provided in this section are permissible only under conditions where no other restrictions are provided in this act or in any other laws regulating the gross maximum weight of vehicles.

Penalty Any person operating any vehicle upon any highway with a gross weight or axle load exceeding by more than five (5) per centum the maximum gross weight or axle load allowed and not exceeding by more than ten (10) per centum the maximum gross weight or axle load allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five (\$25) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days and any person operating any vehicle on any highway with a gross weight or axle load exceeding by more than ten (10) per centum the maximum gross weight or axle load allowed shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty (\$50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days.

Section 10 This act shall become effective thirty days after final enactment except as to registration fees which shall first become effective for the registration year commencing April first one thousand nine hundred forty-two and until said date the provisions of law now in force

as to registration fees shall continue in full force and effect

And said bill having been read at length the third time, And the amendments made having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. REED. Mr. President and members of the Senate, this bill is one of the outstanding measures of interest to the people of Pennsylvania at this session. I believe, as a member of the Committee on Highways to which this bill was assigned, that I received several hundred communications with reference to this bill. Those letters and telegrams and other written communications came from all parts of the state and from all walks of life and I believe on account of this high interest that something should be said on this piece of legislation. I have no interest in this bill other than it affects the general welfare of the people of Pennsylvania. I am not interested as an attorney for any trucking corporation or any railroad corporation or any other corporation that is directly interested in this proposed legislation.

In the committee and out I have listened attentively to all arguments bearing upon this bill. In our committee we had men of prominence discussing this bill; we had men from the Highway Department to give their views on this bill; we had men representing the big trucking industry give their views on this bill, and in all of this discussion I listened with an open mind, trying to decide what would be for the best interest of all the people of Pennsylvania.

I have made that decision and at this time I want to submit my views to this body for its consideration.

Now, Mr. President, as was stated in the committee at the time of the hearing, Pennsylvania has a large highway system. I believe it was stated that Pennsylvania has something like forty thousand miles of road improved in either the primary system or in the secondary system, and in addition to that we have thousands of miles of road in Pennsylvania that are not improved at all. We have highways running into the various farming districts of this great Commonwealth; we have highways running into many of our small industrial centers of this Commonwealth. I think sometime ago I was told by one of the men in the department that we have eight thousand five hundred miles of unimproved roads in Pennsylvania at this time. So you can see how large the highway system in Pennsylvania is.

That part of the highway system that is improved runs into all parts of the state. That improvement began twenty years or more ago, and as we consider this measure we must also consider the highway system that belongs to the people of this great Commonwealth at the same time.

This bill has to do with our highway system. It proposes to increase the weight both on the axle and otherwise. We have been told by men high up in our Pennsylvania highway system that this should not be done, and in the transcript of testimony you will find the reasons why those men say it should not be done. They claim that our highway system will not stand the passage of these heavy trucks over our highway system.

They gave reasons for their views. Mr. Frame said that our highway system is such that it needs now in many places reinforcement and improvement. He stated

how much money it would take to improve our highway system, and we should consider this when we consider this measure.

Now, Mr. President, if our highway system, as the Highway Department claims, is not of sufficient strength to carry these additional loads, then that should be one of the factors in our consideration when we pass upon the worth of this bill.

It has been argued very strenuously by those who favor this bill that we need this additional weight on our trucks in order to help national defense. Now, is that the real reason for the introduction of this measure? Let us analyze that proposition for a moment. Most of us know the sizes of the trucks that operate over our highway system today. Now, suppose you increase the carrying weight to forty-two thousand pounds, as this bill proposes. What effect will that have on our highway system in a time of defense? What we want to do in time of defense, as every man who served in the army knows, is to move our freight or our men or whatever loads we care to carry over the highway system promptly. Suppose we take the views of the Highway Department, and I believe they are supreme in their sphere, that our highway system will not carry this additional weight. Then suppose we begin to move heavy trucks over our highway system for the purpose of defense and the highways break down. I say to you members of the Senate that this will create a greater danger, a greater contingency than what we have today. Suppose in a time of need we want to move heavy trucks over the highway system and those trucks are so large they will break it down; you will have right there and then a stagnation in the movement and you will get a worse condition than you have today, so I doubt very much whether that argument will stand the acid test.

What we want in time of war is highways over which you can move rapidly, and I say I would sooner see smaller trucks and more of them moving over our highways rapidly and promptly reaching their destination in due time than to have a few large trucks going over our highway system and then when halfway to their destination, on account of weight and on account of the highway, break down and stop the traffic at that point.

It has been argued that this bill will help labor. I have turned that proposition over in my mind for more than a week. I have always believed in the Democratic processes of government; I have always believed that the little man should have his opportunity; should have his day; should have his year. I have always believed that the little business man should have his opportunity as well, and I have not changed my views on that phase of politics down to the present time. I still believe that the little trucker has the same right on our highways as does the big man who starts a fleet of trucks from California and runs them into the metropolitan city of New York.

If we permit a few large truckers or a few trucking industries to corral a major portion of the business of the nation and of the state, then you are going to put out of business those little truckers and those little truck owners, and I say to those who believe in the Democratic principles of Jefferson that is directly against his views. I repeat that every man, whether in business or not, whether big or little, has the same right under our government as the other fellow.

Now, Mr. President and members of the Senate, suppose our highway system does break down under this increased weight, as the Department of Highways says it will. Who is going to repair those highways? Who builded those highways in the beginning? Was it the large trucking industry from Chicago or Sacramento, California or Texas or some other state I say to you that the people of Pennsylvania builded those highways; I say to you it was not the big trucking industries that built our fine highways in Pennsylvania.

Statistics show that the big trucking industry only involves two per cent of the industry. I read in an editorial from a paper up in Erie that this industry only pays two and eight-tenths per cent of the revenue that goes into this line of activity.

Now, Mr. President and members of this Senate, if our highway system breaks down the people will have to pay for its repair, the people will have to pay for its maintenance. Should we then, with our highway system in that condition, grant greater powers to a few large trucking industries that want to use our highways for their own selfish purposes. The people built those highways in order that all the people could use them. It was never the intention of the early founders of our highway system to grant to any corporation or any company the right to use those highways to the injury of others for their own selfish purposes and I say to you at this time, even with the size and the weight of the trucks that we have today, that certain big trucking industries are using our highways, are using the people's highways, for their own selfish purposes and to the injury of many other people of our state who are entitled to and do travel over those highways.

As the gentleman from Blair, Senator Mallery, stated last night, get in behind a truck today as it goes up one of our hills and sometimes there will be fifteen or twenty cars ahead of you and you can determine without using your eyes what is tying up that traffic; you know from experience what is tying up that traffic, it is some big van ahead, maybe from California or Illinois, from Iowa or Texas, going through to the coast with a load of freight. Our highway system was never contemplated and was never made for this kind of use. Our people never contributed their money in order that certain commercial interests might utilize our main highways for their own selfish purposes.

If we analyze the testimony of Mr. Frame of the Highway Department or Mr. Hughes of the Highway Department, we must come to this conclusion, that this increased weight should not be permitted because it will break down our highways. If it breaks down our highways then they must be repaired, and if they are to be repaired that takes money and who is going to pay for that improvement. There is only one answer. It is the people of Pennsylvania and those are the people that we should be interested in today.

The sentiment against this bill comes from all over the state, comes from all walks of life. I have gotten communications here from borough councils urging me to vote against this bill, to work against this bill in order that their streets might be protected. I have received communications from cities urging me to vote against this bill and to work against this bill in order that they might protect the streets and highways of their municipi-

palities. I have received communications from farmers urging that I work against this bill in order that the welfare of the people might be preserved. I have received letters even from Chambers of Commerce urging me to vote against this bill and to work against this bill for the best interests of the Commonwealth. I have received communications from automobile clubs of the state urging that I work against this bill for the good of the common cause. From up in Reverend Ruth's district I received a letter urging me to work against this bill, and in that letter it was stated that twenty some thousand members of that organization were against the passage of this bill.

Now then, if that is the sentiment in Pennsylvania who is back of this bill? Who wants this bill? Can anyone tell me? If you can not I will tell you. It is a small trucking industry, that part of the trucking industry that operates big trucks, that operates fleets of big trucks; that is the industry that is sponsoring this bill. If it were not big that bill would not be on our desks today. The fact that that bill is in the Senate today is proof positive that the interests that are back of this bill are strong and powerful. Read the record of the discussion of this bill when it was in the House of Representatives. Read your newspaper accounts of how that bill passed through the House of Representatives. Read your newspapers on how it was urged upon the members of this Senate for passage in this body, and then you will come to the conclusion that those who are back of this bill are a powerful group, a powerful, well organized body or organization, and just in the last few days it was very apparent that the power back of this bill was immense.

I have been in this Senate for several years but never in my life in this Senate have I seen so many people in this body urging the passage of this bill. I have never seen—in the vernacular of politics—so many lobbyists sailing in and out of this Senate as I have during the time this bill has been in this Senate for consideration. There is no sound argument in favor of the passage of this bill.

There is no argument that it will affect the welfare of all the people of Pennsylvania, in supporting this measure. It will take from the railroad men much employment if you permit the passage of this bill, because two years hence the proponents of this bill will be back here for more and later on they will be back for more, a further extension of the provisions of this act.

Now, Mr. President and members of the Senate, I want to read a couple of short articles bearing on the nature of this piece of legislation. First I want to read an article from the Harrisburg Patriot of May 12, 1941. It is headed "Mysteries Back of 'Box Car Bill.'" In part that editorial is as follows:

HARRISBURG PATRIOT

May 12th 1941

The amazing thing is that there should be even a faint prospect that such legislation should be approved by representatives of the people. It has been opposed almost universally by the newspapers, reflecting public sentiment in their territories. But the most significant opposition, positive and unequivocal, comes from State Highway Department officials. These have testified against the bill. They have asserted that the State's roads were not constructed to meet such ponderous loads. They have declared that bridges will collapse under the heavier

truck burdens.

Does such testimony mean nothing to the legislators? Who in the Commonwealth is better qualified to pass judgment on roads and bridges? How can legislators justify their indifference to the plain verdict of highway experts that such legislation, if enacted, will mean such an expenditure of public funds to rebuild roads and bridges as to imperil the whole highway building program?

In the face of all this, it is all the more amazing that a bill which will wreck the highway system, can clear one legislative hurdle and proceed toward another one. There have been some powerful lobbies on Capitol Hill, but they look tame compared with the forces back of the so-called "box car" bill. Surely if a lobby can mesmerize legislators in such fashion, only the Governor's veto pen can save the roads for the overwhelming majority of their users.

There is another short article along the same lines from the Sunbury Daily Item of May 2, 1941, which is headed "These Lobbyists." It reads as follows:

SUNBURY DAILY ITEM

May 2nd 1941

THESE LOBBYISTS.

Indications that an investigation will be made of the lobbying efforts of Pennsylvania motor truckers' organizations in behalf of the so-called "box-car" truck bill reflect a decidedly tardy realization in Harrisburg that high pressure tactics in behalf of legislative proposals should be abolished or drastically curbed.

The motor truck operators, it has been alleged, have spent a huge sum in entertaining the state's lawmakers and in various other efforts to win favor for a bill which has created a storm of protest that, unfortunately, is not so concisely concentrated, or represented or financed as is the truck lobby. This measure would increase materially the weight limits permitted by law for trucks operating on Pennsylvania highways.

It is no secret, of course, that the various interests, including the railroads which are strongly opposed to the truck weight limit measure, also maintain lobbies although it is not often that the high pressure tactics to gain a legislative end are so obvious as in the present instance. Even the charitable and welfare groups have their lobbyists who go to great lengths to accomplish their purposes.

Aside from the fact that officials of the State Highway Department have opposed the scheme of legalizing even heavier "box car" trucks than those now in operation, the public has had no representation in the controversy, except, of course, that it has elected to office and is paying the salaries of the men with whom rests the final decision. In that fact lies the explanation for most of the abortive laws on the statute books today.

Now I shall read from the Erie Daily Times of May 3, 1941, from an article headed "The Truck Problem" and which reads as follows:

ERIE DAILY TIMES

May 3rd 1941

THE TRUCK PROBLEM

There is pending in the present session of our legislature a bill to increase the amount of tonnage which can be carried by heavy trucks. This proposed legislation is of especial interest to Erie County because of the fact that two of the main highways traversing it are national avenues of traffic and are now constantly cluttered with heavy trucks twenty-four hours a day and seven days a week.

The highways referred to are what are commonly known as the Ridge Road and Buffalo Road and the

East Lake Road, east and west highways. Our north and south highways are but little better off. It is a common sight, during hours of heavy travel, to see private passenger cars bunched for a quarter of a mile or more behind one of these motor box cars, waiting for passage, and it is a matter of record that our highways are dotted with the scars of fatal and near fatal accidents directly traceable to truck operations.

Eighty per cent of our improved roads were built before 1930 and consequently were neither wide enough nor durable enough to take care of present day traffic. According to statistics only 2.8 per cent of vehicular revenue in this state comes from heavy trucks as against 97.2 per cent from passenger cars and light trucks.

Calculating road damage and wear and tear done by each class would be a little difficult but we venture to say that if we invert these figures we will not be far off; in other words the 2.8 per cent revenue producers do 97.2 per cent of the damage.

By reason of its geography Erie County is harassed more by trucks from foreign states rather than its own so if it alone could be considered as a unit for purposes of computation and census the figures which have just been given would be even more damaging to the big vehicles by reason of the ubiquity on our roads of so many stranger trucks.

Trucks are here to stay and legal provision will have to be made for them, whether they are local or foreign, but their growth and tonnage capacity should be synchronized with road improvement. That wider and heavier vehicles go hand in hand with wider and heavier roads.

Now, I think, Mr. President, most of the large newspapers in this Commonwealth have taken up the fight against this measure. I believe the sentiments of the people are against the passage of this measure. Then why, Mr. President, why should I support a measure which the majority of the people of Pennsylvania are against? My duty is clear.

My duty is to vote for what is to the best interest of all the people of Pennsylvania and my vote, Mr. President and members of the Senate, will be recorded against the passage of this bill. I have no interest other than the interest that serves all the people; I have no animosity or hatred against those in favor of the bill; it is their right to have it presented; it is their right to discuss it, but when it comes down to the right, when all the evidence on both sides has been presented and considered, our duty, as one of these articles has so well said, is to vote for what is best for all the people of Pennsylvania.

Mr. CAVALCANTE. Like my colleague from Washington, Mr. Reed, I have no interest, direct or indirect, in the passage of this bill, other than the interest I must assume as a member of this body, that is, the interest of the people of this Commonwealth. This bill, as we know, is an amendment to the existing motor vehicle laws on our statute books. I think that we should all agree that the vehicle code in its present state is an evolution of the motor vehicle traffic on the highways of this Commonwealth. The present vehicle code is the result of the experience of the men who have dealt with that subject over the course of many years, and I am not ready to say that the wisdom of the men who in these legislative halls have brought the vehicle code to where it is today was bad wisdom. I think they used very good judgment in their compiling of the code that we have up to this time, and I really believe that we would be remiss in our duties if we should act at this time inconsistent with that wisdom

and judgment used by those who have brought this vehicle code to its present status.

Like the gentleman from Washington, I like to be guided by wisdom, if of wisdom I can be assured. I do not want to act hastily in this matter because of the great importance of the subject here treated.

It has been the policy of honest men in this body, the honest principle applied by them on many bills, to always inquire of the department that might be affected by the legislation, as to just how wise the passage of the legislation might be. You men on the other side have done the same thing. We have considered bills or pieces of legislation which involved the Department of Health and justly you have gone to those who have operated that Department for years and years, who are versed in the subjects handled by the Department of Health, and you have accepted their judgment on many matters. We have done the same thing when bills have come up before us dealing with education, and we have done the same thing when bills have come up before us dealing with revenue. I hesitate to depart from that principle at this time on a subject so important as the one before us.

I have stated on previous occasions on the floor of this Senate that I think honestly that the Secretary of Highways in this state, the present Secretary of Highways, has done an excellent job on the highways of this state. He has in my judgment done more than has been done by any secretary of highways for many, many years, and he has maintained our highways in very good shape throughout winter and throughout summer, and I would not feel that I have done my duty to the people of this Commonwealth, should I upon consideration of this bill cast to the winds the judgment of the Secretary of the Department of Highways.

I am not an engineer, a construction engineer; I know nothing about gravel or asphalt or concrete; I know nothing about road construction; but I say that my sober duty is to use such judgment as I am capable of mustering in this matter, and that common sense leads me to the conclusion that I should accept the judgment of the Secretary of Highways on this very important subject.

I do not belong to that group of individuals in this Commonwealth who think they can hold back the way of progress. I believe sincerely and honestly that motor transportation is here to stay, and that we should pass laws touching upon that subject; we will have to bear that in mind and will have to act accordingly. I am firmly convinced that motor transportation will increase, will have to be permitted to progress; I hope that the day may come when this industry or this problem of motor transportation will have reached its peak and I would think myself an obstruction in the way of progress should I act in such a way as to impede the progress of motor transportation.

We have had members of this body who have made the argument that we should build these great turnpikes and highways because many countries of Europe have gone into that business and Germany has been held out as a pioneer in the construction of these long and wide turnpikes for motor transportation. Well, I have no fault to find with that particular part, but I think that the gentlemen who argue that point fail to recognize the fact that in countries like England, in countries like France, Germany and Spain and Russia, the railroad transportation

systems do not belong to private capital but they are conducted and owned and operated by the government itself, and no doubt that in itself was the result of the conclusion of those governments that transportation was a national problem, transportation was something that affected every man, woman and child in the nation, and I think that they were not wrong in that.

I really think that this problem of transportation is a very fundamental problem for our government to handle, but here where we believe in the principle of individual initiative, where we believe in private ownership of property, the transportation system of our government has been that of the railroads. The railroads have been built by private capital and many men and women, many orphans and many widows have money invested in stock belonging to those railroads, and you can readily see the clashing thoughts a man may have when you say with one breath that you are perfectly in accord with permitting motor transportation to progress and blossom and at the same time you have a consciousness of those hundreds and thousands of men and women who have private interests in the railroads of this state and this nation.

Wisdom would say, would dictate, that we ought to handle this subject with some degree of justice and equity; see if we could solve this problem so that all may have justice. I think that those who framed the vehicle code did use good judgment, did use good wisdom; I think that they looked forward to the expansion of the motor vehicle industry. Take, for instance, Section 905 of our present vehicle code. That section reads as follows:

"The Secretary of Highways of this Commonwealth, and local authorities in their respective jurisdictions, may, in their discretion, upon application in writing accompanied by the fee provided in this act, and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to operate or move either a vehicle or combination of vehicles, or a vehicle and load, or a combination of vehicles and their load or loads, of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible."

Gentlemen, I think there was great wisdom in that enactment, and I really think we should not depart from that. I think what we should have done, if greater weights must be allowed to pass over our highways, would have been to have expanded that section. We could have amended that section to give the Secretary of Highways more power, if necessary, to permit the passage of heavy loads over our highways, or give him the power to say over what highways these heavy loads might be permitted to pass. I think if that would have been done then the Department of Highways here, that is entrusted with the duty of keeping these highways up for the safety and the prosperity of the people, would surely know over what highways these heavy ponderous trucks might be permitted to travel, and we could give a mandate to the Secretary of Highways to hereafter construct highways with the express idea in mind of permitting this expansion in motor transportation to permit this increase in these weights.

Now, Mr. President, I must agree whole-heartedly with my colleague from Washington, Mr. Reed, that the interests of the people are not the powerful interests here promoting the passage of this bill. We have observed many

activities around this Senate and the House of Representatives, in the lobbies of the hotels and everywhere else on this bill. Some activities have been such that the suspicion of any sober man could have well been aroused. Taking all our knowledge of what has conspired in the halls of this General Assembly, in the newspapers, in the hotel lobbies, Mr. President, I have come to the conclusion that this bill is an iniquitous off-spring of bribery, conspiracy and corrupt party leadership; its introduction and passage by this General Assembly has been promoted by cash paid on the barrel-head by vicious and powerful interests. It is no secret that vast sums of money have been spent by the trucking industry to litter the desks of each assembly member with false and misleading statistics and reports. It is publicly admitted that persons having private indirect interests in the passage of this bill are members of this General Assembly, who display no shame or hesitancy about promoting its passage, even though the plain provision of the Constitution makes doubtful their right to participate in the way of discussion upon the bill.

But, casting aside all partisan demarcation, the corrupt and venal Democratic leadership of Philadelphia and Allegheny, make no secret of their lust for the cash that the corrupt Republican leadership of Pew and Grundy have placed on the barrel-head; their presence and activity during the last few days among the members of this General Assembly and in the committee and caucus rooms of this body, has been open, notorious and shameful; the most woeful sight to the onlooker in these halls has been the plight of the numerous Democratic members who, like so many scurvy slaves, whipped and cowed, have followed a corrupt party leadership to the dark dungeon of Kings Grundy and Pew to feast their eyes upon the cash that covers the barrel-head, the cash that the poor scurvy slaves may covet but the touch of which is reserved exclusively to the venal and corrupt party leaders.

Sound thinking, Mr. President, can prophesy nothing but woe and disappointment for any political party that entrusts any phase of its leadership to the hands of men who publicly invite and solicit boodle. A fair example of this type is the "I would have damn well taken it," gentleman from Philadelphia, Mr. Melchiorre. Now, Mr. President, that gentleman has been very active, not only in his own side of the House but here on this side of this Assembly, on the streets of the City of Harrisburg and the City of Philadelphia. No more than a fortnight ago while peacefully wending my way to my room in the hotel I was boisterously and insultingly approached by this individual and taken to task because of my vote on a bill on the floor of this Senate. I raised no riot with him. I left him in his boisterous and insulting attitude and went my way.

I am also informed, Mr. President, that much needful and wise and just legislation that has been passed in this Senate and been sent over to the other side, its passage or its report from committee depends upon the caprice and whim of that individual. That has been openly and brazenly told to us, some of us, here in the halls of this Senate and on the streets of Harrisburg, that bills, Senate bills, in committees over on the other side, must have at least, as one approval, the approval of this notorious man.

Now, Mr. President, I do not know how other people of this body might feel, but I do say that any man that has a spark of honesty about him should not ask a gentle-

man like my colleague from Washington County to give obedience or to hearken to the voice of any party leader that would entrust the policies of the Democratic party in the hands of such a man.

Mr. President, it is politically axiomatic when one sees the outstanding political leaders of either party soaring like vultures in and out of the halls of this Assembly and intermittently swooping down to scourge into line their political slaves, it is proof positive that some legislative child of the people has been marked for the kill.

Now, Mr. President, I merely want to emphasize the picture so ably painted by my colleague from Washington. The best interests of the people require that we use wisdom in treating this subject and that we should not permit arbitrarily here the use of our highways by those ponderous trucks, I mean to increase their weights, in opposition to the wisdom and judgment of the Department of Highways.

I think that the sound way and honest way to approach this subject is to confer upon the Secretary of Highways the power and authority to permit excessive weights on highways designated by him, and in that way our Department of Highways can in time lay down the proper road paving, road base, that the engineering department or division of the Department of Highways is satisfied will hold those ponderous trucks.

As to the argument about national defense, Mr. President, why, I do not know of a single military equipment item or military equipment owned either by our National Guard or the armies of the United States, that will weigh twenty-one tons; there is no army equipment that weighs that much, and I would like to see the day come hereafter when we will have army equipment much heavier than twenty-one tons. I would like to see the day come when we will have armored divisions of tanks that have on them dreadnaught armament, heavy and powerful, and have the highways sufficiently strong to permit the movement of such equipment, but there is no necessity for taking a chance at this time of increasing those weights and breaking down our highway system that has been able to hold and permit the passage over it of the equipment that our army now has.

Mr. WOODWARD. My first thought, Mr. President, is that Senator Cavalcante has offended against good manners. I listened with interest the first twenty-five minutes but I gave up the second. In this celebrated case of the Commonwealth against the truck lobby the distinguished and progressive firm of Reed, Cavalcante and Reed, and Cavalcante again, have presented what is generally called a brief. In this case the word fails to describe the argument, for as I look at the clock I know the word "brief" is a misnomer. I would say if we took the gross weight of the words we have heard it would far exceed the forty-two thousand pounds that have been talked about.

Now, Mr. President, the only thought I am contributing is this: that I have talked privately to several members of the Senate who are opposed to the bill and I said to them, "If you are opposed to the bill why don't you expect to vote no?" and they said, "Well, because we think a majority of our constituents are in favor of this bill."

The point I am making is that we are here as an example of representative government. I cannot say that of the House of Representatives but I say that of the Senate, it is a far higher function to be a representative than it is to be a mere delegate; that if we are here

merely to run errands—that is pretty important—I say to the delegates in the sense that we try to estimate the desires of the majority of our constituents, one way or the other, and vote as we are delegated, I think that is not fulfilling the high functions of representative government.

I have one more thought here. As dean of the Senate I would definitely suggest this firm of Cavalcante and Reed condense their statement in much briefer time, and my advice to the senior member of the firm is to expend a few dollars on the purchase of a book written by Emily Post called "Rules of Etiquette," and present it to his junior partner, opened at chapter thirteen, which is entitled "How to Behave."

Mr. MUNDY. Mr. President, I have been accustomed to considering legislation in a clear, calm and dispassionate manner. Today on the floor I have felt that one of the members, probably in passion or probably in an excess of enthusiasm, was carried far afield from the subject at hand. Accusations, serious accusations, have been made by this member on the floor. Those accusations involve the integrity of the leadership of both parties. As a member of fact, they involve the integrity of each and every member of the Senate of Pennsylvania.

Mr. President, I believe that every member of this Senate — honestly believe — is the representative of a number of people back home and that when Senators on this floor vote upon a bill they try to vote as they feel is the wish of their constituents back home. I do not believe there has been any member of this Senate, in my association here since 1936, who has ever voted otherwise.

In order to clarify this situation I believe what Pennsylvania needs is to invite from private life men who have been successful, men who by their private lives and their success in business have established somewhat of a reputation back home, and I think that the members represented here in the Senate of Pennsylvania do qualify in that respect, that they all are and have been successful men back home, and have been selected by a majority vote of the people to represent them in the Senate of Pennsylvania, and I do not believe it is fair and I do not believe anybody is honest with himself who makes a broad assertion involving integrity alone, without being asked to make some specific charge.

So, Mr. President, I would like to interrogate the Senator from Fayette, Senator Cavalcante.

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Certainly.

Mr. MUNDY. Senator, I understood you to attack the integrity of the leadership of both the Democratic and Republican Parties; is that correct?

Mr. CAVALCANTE. If you call Mr. Pew and Mr. Grundy the leaders of the Republican Party—that is correct.

Mr. MUNDY. There was an attack upon certain Democratic Senators—who followed like slaves a certain leadership?

Mr. CAVALCANTE. Yes sir.

Mr. MUNDY. Will you be specific and name, by name, that leadership?

Mr. CAVALCANTE. Any part of the Democratic leadership that tolerates an admitted solicitor of boodle like the gentlemen from Philadelphia, Mr. Melchiorre, should have their integrity impugned.

Mr. MUNDY. Mr. President, I am not rising in defense of Mr. Melchiorre, but I wish to ask the Senator from Fayette what leadership does Mr. Melchiorre represent in the Democratic Party?

Mr. CAVALCANTE. I am amazed the gentleman from Luzerne, being in the inner circles, does not know. The gentleman knows that same leadership organized and selected the leaders of the House. I think the gentleman from Luzerne knows that leadership.

Mr. MUNDY. Mr. President, Mr. Melchiorre was one of seven members elected in a democratic fashion by the members of the House, and as one of seven members elected on the steering committee of the House he registers one-seventh of the opinion of that House, which under Democratic rule does not constitute leadership.

I still press for an answer: who is a leader of the Democratic Party, in the Senator's opinion, who is dishonest?

Mr. CAVALCANTE. Well, I am sure that it is not Mr. Myers, but if the gentleman from Luzerne will look into those supposed leaders who were not selected by the rank and file of the party he will find the people to whom I refer.

Mr. MUNDY. Mr. President, I still repeat that I am not of the type of man who convict individuals without a fair trial by an impartial judge or jury of their peers. I still press for an answer. This statement has been made, I still press for an answer, because I am interested in the Democratic Party and the Democratic leadership and if there is leadership in the Democratic Party that is crooked or dishonest I propose to move to dig them out and I want the Senator to say if in the lists of the Democratic Party there is any individual leader dishonest, to lay his name before this Senate, to mention the name.

Mr. CAVALCANTE. I do not have to mention names because I know the gentleman from Luzerne knows that I have my own personal reasons; I have my own personal knowledge. I have been publicly and openly told by this gentleman from Philadelphia, and that gentleman from Philadelphia has openly and publicly stated, that bills having my name, having passed the Senate and having gone to the House, will never find their way out of committee, and it seems that the fact that they do not come out and that they are sound legislation, is proof positive the gentleman from Philadelphia, Mr. Melchiorre, must be one of the leaders over in the House. I was told on the floor of this Senate yesterday by members of the House that there has been a committee organized over in the House which supersedes the committee chairmen and duly appointed committees of the House, and that no bill will come out of that committee unless this super-committee gives assent, and on that committee, Mr. President, we who are trying to be honest Democrats, we who have the interest of the people at heart, must tolerate the presence of an admitted solicitor of boodle in this state, and never will I submit to leadership that permits a situation of that kind, whether it is Jack Kelly, Dave Lawrence, Meredith Myers, or the gentleman from Luzerne, or anybody else.

Mr. MUNDY. Mr. President—

Mr. CAVALCANTE. It is a shame and a disgrace to the Democratic Party we must tolerate a man of that character.

Mr. MUNDY. Mr. President, I asked a question and I am entitled to an answer and not an oration and I still

press for my answer before this body. I ask him as an attorney of record in a court whether he wishes to try a case on rumor or hearsay or talk or whether he wants to present to this jury here the facts

Mr. CAVALCANTE. This is not a jury. I will take up my matter with the Attorney General when the time comes. As a member of this body I have honestly felt there has been a conspiracy, and a criminal conspiracy, existing between some members, leaders, of the Democratic Party and the members of the General Assembly, to stifle good legislation and to permit only legislation to pass that will benefit groups of individuals who may prove very satisfactory as contributors to the political campaigns, and I do not regard that as honest leadership.

Mr. MUNDY. Mr. President, did it ever occur to the Senator that the gentlemen on the committee in the House might be exercising their own judgment as to whether or not this is good legislation?

Mr. CAVALCANTE. As I have said to the gentleman from Luzerne, we were told right on the floor of the Senate by members of the House as to what has happened there and the system that is now prevailing.

Mr. MUNDY. Mr. President, I want to take up another serious phase. In the committee, as the gentlemen of the committee know, I vigorously, and I think most vigorously of all the members of the committee, fought this bill; I talked and worked and acted against adoption of this bill in the committee. I do not think anybody disapproved of the bill in its original form as much as I did, —but the ridiculous and the absurd statement that men of the type of Jim Clark of Philadelphia, who in my opinion is beyond reproach, Jim Flanagan or Harry Davis, if you please, those gentlemen as far as my association is concerned, have a right to discuss with me legislation—but when it is said here on the floor there is a lot of money put in here to pass this bill, to my mind that is absurd and ridiculous and I consider it an insult to the intelligence and to the honesty and integrity of every Senator here, for a member to get up on the floor and make a vague suggestion that some Senator or some Representative was approached by these interests, these gentlemen whose integrity I say he has questioned in any financial transaction, they are gentlemen of business who are coming up here to ask the Senate for rights they think justly belong to them and I say, as a most bitter opponent to this bill, in all fairness and in consideration of the gentlemen who have been attacked, they have spoken to me and I must say in a very general way and in a manner no one could criticize whatsoever, and I have been very fair and frank in saying to those gentlemen I opposed the bill in the Senate, and still it did not alter that situation of their friendship one iota as far as I am concerned, because they knew where I stood.

This did happen: we considered this bill in committee very fairly and honestly, expressed our honest convictions pro and con; we seemed to reach an impasse and some of the better minds decided the best thing to do was probably to compromise and send out a compromise amendment on this floor.

Now, gentlemen, I subscribed to that compromise amendment in that committee and on this floor I propose to vote for the bill as is, because I am not going to compromise the men in that committee to whom I gave my word and subscribed to those amendments. I shall register my vote.

I decry and I hope that while I am on the Senate floor, or continue on the Senate floor, that I never see the sad spectacle of a Senator, who should represent something back home, by vague insinuation and innuendo impugn the honesty of decent individuals in his own party, and I shall never subscribe to saying that the leadership of the Republican Party is dishonest until I have some proof and can mention the names, and not spectacularly, gentlemen, but I rise in defense of those gentlemen and I rise in defense of the honesty and integrity of every member of the Senate of Pennsylvania.

Mr. DENT. Mr. President, I had not intended to get into this argument at all but I think perhaps a man in his enthusiasm can go far afield when he takes the attitude everybody is dishonest but himself.

The matter of passing legislation, particularly this so-called industrial legislation, is one that always calls for increased activities on the part of interested parties, pro and con.

Of course, under a strict interpretation of the rules the gentleman from Fayette wants to lay down, I probably would not be able to vote on this legislation, because they happen to make tires in my home town and I happen to sell a few—darn few during legislative sessions, and I think such an interpretation of that law or of that ruling or of that constitutional provision would be very narrow on the part of attorneys who will in this Senate vote for enabling legislation and laws and then go home and represent individuals or corporations or municipalities and receive fees for so doing. I want to say pretty nearly every piece of legislation passing across the desks of members of this Senate can in some way be used by an attorney to make himself a handsome fee, but we men who are ordinary laymen and business men back home have to watch our P's and Q's, because otherwise we are accused of dealing across a barrel-head. Well, if there was any money passed I did not know where it was, because I did not just happen to get there. Maybe the persons who saw it passed did not let the rest of us get there.

Some statement was made about the Secretary of Highways. I happen to have been a member who served on the sub-committee, and we took into consideration a great many vital points that have not been raised yet in the matter of this legislation. Progress has been made by Pennsylvania. Pennsylvania is a great state, in spite of stand-patism and narrow-mindedness on the part of a great many legislators, past and present.

Eighteen years ago a law was passed specifying the weights on trucks. Are we dishonest because we use a God-given intelligence, to us, to ourselves and to the rest of the Senate, to realize that certainly in eighteen years there have been improvements in truck design, in brake design, in power automotive design and in road building design, to allow for additional weights in truck legislation, when the seventeen surrounding states in this great nation allow axle weights from 22,400 up to a total overload or top-load of 65,000 pounds? Do you mean to tell me that we have employed men in our Highway Department that do not have the necessary engineering ability or the necessary ordinary good common intelligence and good sense to build types of roads similar to our surrounding states? Do you mean to tell me they have been building roads in Pennsylvania that have not been in keeping with the needs of the times and the demands of industry? Is this not an industry? Are we legislating

here one against another, or are we trying to do an intelligent thing and amend a law that was passed as far back as 1923?

For many years workmen's compensation suffered from the same illusions. Year after year they came into the Senate and House and stopped any amendments in the compensation law that would give to injured workmen greater and better benefits, and yet the cost of living and standard of living had risen two or three times above the standards of costs as they were when the original bill was passed, but they did not pass any additional increase and kept sitting tight and standing pat and in 1937 a bill was passed that a great many industries in the state felt they had to reject because it was too drastic.

I say we have got to do things moderately, we have got to add amendments to laws when they become inadequate, when they become useless; in the modern scheme of things you have got to add necessary amendments to bring them up to date.

Did the gentlemen in that Senate in 1923 have more intelligence then we have? Where did they get the figures, where did they get the arguments to substantiate the figure of 38,000 total load and 18,000 axle weight, when every man here knows that trucks in 1923, other than small trucks, were solid tire vehicles, single wheel brakes and heavy oak bodies?

Today you have the genius of automotive design embodied in the trucking industry. I tell you it is an industry, and as an industry it should not be insulted on the floor of this Senate by any individual who just does not happen to see eye to eye.

I have been approached—I will not say approached, I think that is the wrong word—men have talked to me from both sides on this question; in fact, I thought it was my duty as a Senator and as Chairman of the Sub Committee to talk to the interested parties, both labor on the railroad, labor in the trucking industry, the owners of railroads, and the owners of trucks. I have talked with all the groups interested.

I went back home and talked to the city engineers, councils and the mayors, and tried to do the job intelligently and honestly, and I do not think there are any hard feelings on the part of those who are not satisfied with my vote. I do not remember at any time when any of them approached me with any suggestions that my vote could be bought. I would say if the gentleman was approached on that score he should name the persons who approached him. I think perhaps sometimes every one of us dispassionately can be honest to one another. I do not care how any man in this Senate votes on any bill. I trust he does so because his conscience and heart and intelligence tells him that is the proper way to vote. I have not always voted with the members of this Senate or with the majority of the members. When I think I am right I will stand on this Senate floor and vote one way or the other if I know that vote means oblivion to me. That to me is a small matter. What I do here and what I leave here in the way of a record will far outlive my own individual stay on earth, and if I have been decent to myself and decent to the people of Pennsylvania that is the only reward that I personally desire, and I think it is a disgraceful shame to say that the Highway Department disapproves the increase when your own Secretary of Highways says he would agree to somewhat higher truck weights than those in the present law. He said he would

be willing to approve 45,000 pounds for a truck and semi-trailer now limited to 39,000 pounds.

As far as the axle increase is concerned any person who has ever been around trucks knows you cannot put additional weight upon a truck without allowing for increased weight upon the axle.

This is good legislation; it is modern legislation; I disapproved of the fifty thousand pounds because I thought the step was too great. I do not think any intelligent engineer can successfully build up an engineering argument and say that an additional three thousand pound increase, spread over a distance of thirty-five feet, with the increased road contact, with new pneumatic balloon tires, will in any way injure the roads of the State of Pennsylvania.

Frost and freeze and rain and sleet and other elements of nature are the greatest enemies of our road system, and if our Highway Department has not done a good job building roads they should not come panty-waisting to the Legislature to protect them from the results of their short-sightedness.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Edmonds,	Lanius,	Tallman,
Becker,	Farrell,	Letzler,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Cox,	Geltz,	McQuiddy,	Tyler,
Crider,	Haluska,	Miller,	Wade,
Crowe,	Heyburn,	Mundy,	Walker,
Deltrick,	Homsher,	Scarlett,	Wilson, H. I.,
Dent,	James,	Snowden,	Wilson, T. B.,
DiSilvestro,	Jaspan,	Stevenson,	Ziesenheim,
Ealy,	Kephart,	Stiefel,	

NAYS—9

Bartlett,	Coleman,	Reed,	Watkins,
Carr,	Mallery,	Ruth,	Woodward,
Cavalcante,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 1041 CALLED UP ON FINAL PASSAGE

Mr. GELTZ. Mr. President. I now call up Senate Bill No. 1041, on final passage, page 2 of the Calendar.

Mr. ZIESENHEIM. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 1041, entitled:

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled, "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or

aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth, except counties of the eighth class.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Walker,
Cox,	Heyburn,	Reed,	Watkins,
Crider,	Fomsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,	Stevenson,	Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

SENATE BILL No. 171 ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 171 on third reading and final passage, page 3 of the Calendar.

Mr. FARRELL. Mr. President, I second the motion. The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 171, as follows:

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission

and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the law imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the court refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as last amended by the act approved the seventh day of June one thousand nine hundred and thirty-five (P. L. 283) is hereby further amended to read as follows

Section 503 Refunds of State Taxes License Fees Et Cetera The Board of Finance and Revenue shall have the power and its duty shall be

(a) To hear and determine any petition for the refund of taxes license fees penalties fines bonus or other moneys paid to the Commonwealth and to which the Commonwealth is not rightfully or equitably entitled and upon the allowance of any such petition to refund such taxes license fees penalties fines bonus or other moneys out of any appropriation or appropriations made for the purpose or to credit the account of the person association corporation body politic or public officer entitled to the refund All such petitions must be filed with the board within two years of the payment of which refund is requested except

(1) Where a petition for refund filed by a domestic or foreign corporation involves the valuation of its capital stock or in case of a foreign corporation the valuation of its tangible property for bonus purposes or where a petition for refund filed by a bank title insurance or trust company involves the valuation of its shares of stock such petition must be filed with the board within one year of the payment of which refund is requested

(2) When the estate upon which any transfer inheritance tax has been paid shall have consisted in whole or in part of a partnership or other interest of uncertain value or shall have been involved in litigation by reason whereof there shall have been an overvaluation of that portion of the estate on which the tax has been assessed and paid which overvaluation could not have been ascertained within said period of two years In such case the application for repayment shall be made to the Board of Finance and Revenue within one year from the termination of such litigation or ascertainment of such overvaluation

(3) When a court or record has adjudged a person to be legally dead and thereafter in the settlement of his or her estate a transfer inheritance tax shall have been paid on such estate and after such payment has been

made such person shall reappear and the court shall rescind its order and adjudication. In such case the petition to the board shall be filed within six months after the court shall have rescinded its order and adjudication.

(4) When any tax or other money has been paid to the Commonwealth under a provision of an act of Assembly subsequently held by the court of final jurisdiction to be unconstitutional or under an interpretation of such provision subsequently held by such court to be erroneous. In such case the petition to the board shall be filed within five years of the payment of which a refund is requested. But the limitation of five years herein prescribed shall not be deemed to apply in the case of applications for refunds of taxes paid on liquid fuels by political subdivisions prior to the effective date of this amendment where by court decision it has been held that the collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment. The aforesaid limitation of five years shall likewise not be deemed to apply in the case of applications for refunds of taxes paid on certain alcohol usable for beverages purposes under the provisions of the act approved the twenty-second day of November one thousand nine hundred and thirty-three (P. L. 5, 1933-34) entitled "An act imposing a State floor tax on alcohol usable for beverages purposes and certain alcoholic liquors in the Commonwealth between the date this act becomes effective and the date the Twenty-first Amendment of the Constitution of the United States is ratified describing the method and manner of collection of such tax conferring powers and imposing duties on certain State officers and departments and certain individuals firms and corporations and imposing penalties" where by court decision it has been held that the imposition or collection of such tax was erroneous and without authority of law if application for such refunds shall be made within two years after the effective date of this amendment.

(DURING THE CALLING OF THE ROLL.)

Mr. FARRELL. Mr. President, I ask for a verification of the roll.

The PRESIDENT. The roll will be so verified.

The Clerk called the names of those voting in the affirmative.

Barr,	Ealy,	Lanius,	Stiefel,
Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McQuiddy,	Tyler,
Cox,	Haluska,	Miller,	Wade,
Crider,	Heyburn,	Mundy,	Watkins,
Crowe,	Homsher,	Ruth,	Wilson, H. I.,
Detrick,	James,	Scarlett,	Wilson, T. B.,
Dent,	Jaspan,	Snowden,	Woodward,
DiSilvestro,	Kephart,	Stevenson,	Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none.

The affirmative vote will stand as verified.

The Clerk called the names of those voting in the negative:

Carr,	Cavalcante,	Reed,	Walker,
-------	-------------	-------	---------

The PRESIDENT. Are there any corrections? The Chair hears none.

The negative vote will stand as verified.

Affirmative votes—44; Negative—4.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Lanius,	Stiefel,
Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Taylor,
Chapman,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McQuiddy,	Tyler,
Cox,	Haluska,	Miller,	Wade,
Crider,	Heyburn,	Mundy,	Watkins,
Crowe,	Homsher,	Ruth,	Wilson, H. I.,
Detrick,	James,	Scarlett,	Wilson, T. B.,
Dent,	Jaspan,	Snowden,	Woodward,
DiSilvestro,	Kephart,	Stevenson,	Ziesenheim,

NAYS—4

Carr,	Cavalcante,	Reed,	Walker,
-------	-------------	-------	---------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 758, (HOUSE BILL No. 727), ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 758, (House Bill No. 727), on third reading and final passage, page 7 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 758, (House Bill No. 727), as follows:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The following sections of public roads shall be adopted by the Commonwealth as a State highway and shall be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in present or future laws governing State highways

Beginning at a point on Route 59038 in the village of West Milton Kelly Township Union County thence in an easterly direction across the West Milton and Milton Bridge to a point on Route 18 at the intersection of Mahoning and South Front Streets in the Borough of Milton Northumberland County a distance of approximately one-half mile

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to. and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Dent,	Kephart,	Snowden,
Bartlett,	DiSilvestro,	Lanius,	Stevenson,
Becker,	Ealy,	Letzler,	Stiefel,
Carr,	Edmonds,	Mallery,	Tallman,
Cavalcante,	Farrell,	McCreesh,	Taylor,
Chapman,	Frey,	McQuiddy,	Thomas,
Coleman,	Geltz,	Miller,	Tyler,

Cox,
Cridger,
Crowe,
Deitrick,

Haluska,
Heyburn,
Homsher,
James,

Mundy,
Reed,
Ruth,
Scarlett,

Wade,
Walker,
Watkins,
Wilson, H. I.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

SENATE BILL No. 787 ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 787 on third reading and final passage, page 7 of the Calendar.

Mr. WALKER. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 787, as follows:

An Act to further amend the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this

act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle" further regulating the right to render service as a contract carrier by motor vehicle prohibiting the imposition of costs upon the commission in appeals to the Superior Court subjecting persons and corporations to certain civil penalties for violating the act prohibiting motor carriers common carriers by airplane and any operator or employee of such carriers and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers and changing the penalty with respect thereto and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Clause six of section two of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" as last amended by the acts approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 390) and the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 636) is hereby further amended to read as follows:

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(6) "Common Carrier by Motor Vehicle" means any common carrier who or which holds out or undertakes the transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who ore which provides or furnishes any motor vehicle with or without driver for transportation or for use in transportation of persons or property as aforesaid and shall include common carriers by rail water or air and express or forwarding public utilities in so far as such common carriers or such public utilities are engaged in such motor vehicle operations but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any person or corporation who or which provides or furnishes transportation of school children in any motor vehicle of the bus type owned by any school district or operated under contract with any school district which transportation is lawfully paid for by the school district from school funds or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor or cooperative agricultural association hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms (d) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated and road construction materials (e) transportation of property by the owner to himself or to purchasers directly from him in vehicles owned and operated by the owner of such property and not otherwise used in transportation of property for compensation for others

Section 2 Clause seven of section two of said act as amended by the act approved the fifteenth day of June one thousand nine hundred and thirty-nine (P. L. 387) is hereby further amended to read as follows:

Section 2 Definitions The following words terms and phrases shall have the meanings ascribed to them in this section unless the context clearly indicates otherwise

(7) "Contract Carrier by Motor Vehicle" means any person or corporation who or which provides or furnishes transportation of passengers or property or both or any class of passengers or property between points within this Commonwealth by motor vehicle for compensation whether or not the owner or operator of such motor vehicle or who or which provides or furnishes with or without drivers any motor vehicle for such transportation or for use in such transportation other than as a common common carrier by motor vehicle but shall not include (a) a lessor under a lease given on a bona fide sale of a motor vehicle where the lessor retains or assumes no responsibility for maintenance supervision or control of the motor vehicle so sold or (b) any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis or any independent contractor hauling exclusively for such association or (c) any owner or operator of a farm transporting agricultural products from or farm supplies to such farm or any independent contractor hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms (d) any person or corporation who or which provides or furnishes transportation of school children in any motor vehicle of the bus type owned by any school district or operated under contract with any school district which transportation is lawfully paid for by the school district from school funds or (e) any person or corporation who or which uses or furnishes for use dump trucks for the transportation of ashes rubbish excavated or road construction materials

Section 3 Subsection (a) of section eight hundred and four section one thousand one hundred and seven and

one thousand three hundred and one of said act are hereby amended to read as follows

Section 804 Permits Required of Contract Carriers (a) No person or corporation shall render service as a contract carrier by motor vehicle unless there is in force with respect to such carrier a permit issued by the commission authorizing such person or corporation to engage in such business Provided That if any such carrier or a predecessor in interest was rendering service as a bona fide contract carrier by motor vehicle upon the effective date of this act over any route or within the territory for which application is made and has rendered such service since that date or if engaged in furnishing only seasonal service was doing so on such date during the season ordinarily covered by his service the commission shall issue such permit without further proceedings if application for such permit is made to the commission as provided in paragraph (b) of this section and within one hundred twenty days after the effective date of this act Otherwise the application for such permit shall be determined by the commission in accordance with the provisions of paragraph (b) of this section During the aforesaid period of one hundred twenty days and pending the determination of any such application the continuance of such service of the applicant shall be lawful

Section 1107 Record on Appeal Scope of Inquiry and Disposition of Costs Any appeal to the Superior Court shall be determined upon the record certified by the commission to the court All evidence in any such record so certified may be considered by the court regardless of any technical rule which might have rendered the same inadmissible if originally offered in the trial of an action at law The court may dismiss the appeal or vacate the order complained of in whole or in part In case the order is wholly or partly vacated the court may also in its discretion remand the matter to the commission for such further proceedings not inconsistent with the decree as in the opinion of the court justice may require The order of the commission shall not be vacated or set aside either in whole or in part except for error of law or lack of evidence to support the finding determination or order of the commission or violation of constitutional rights The costs resulting from any appeal shall be upon the appellant unless the court shall make other disposition of the costs in its decree The costs resulting from any appeal may not be imposed on the commission except in cases where the complaint or proceeding was instituted by the commission

Section 1301 Civil Penalties for Violations by Public Utilities (a) If any public utility or any other person or corporation subject to this act shall violate any of the provisions of this act or shall do any matter or any thing herein prohibited or shall fail omit neglect or refuse to perform any duty enjoined upon it by this act or shall fail omit neglect or refuse to obey observe and comply with any regulation or final direction requirement determination or order made by the commission or any order of the commission prescribing temporary rates in any rate proceeding or to comply with any final judgment order or decree made by any court such public utility for such violation omission failure neglect or refusal shall forfeit and pay to the Commonwealth of Pennsylvania the sum of fifty dollars to be recovered by an action of assumpsit instituted in the name of the Commonwealth of Pennsylvania in the court of common pleas of Dauphin County which court is hereby clothed with exclusive jurisdiction throughout the Commonwealth to hear and determine all such actions In construing and enforcing the provisions of this section the violation omission failure neglect or refusal of any officer agent or employee acting for or employed by any such public utility shall in every case be deemed to be the violation omission failure neglect or refusal of such public utility

(b) Each and every day's continuance in the violation of any regulation or final direction requirement determination or order of the commission or if any order of the commission prescribing temporary rates in any rate proceeding or of any final judgment order or decree made by any court shall be a separate and distinct offense Provided however That if any interlocutory order of

supersedeas or a preliminary injunction be granted no penalties shall be incurred or collected for or on account of any act matter or thing done in violation of such final direction requirement determination order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force

Section 4 Section one thousand three hundred and eleven of said act as amended by the act approved the twenty-eighth day of September one thousand nine hundred and thirty-eight (P. L. 44) is hereby further amended to read as follows

Section 131! Violations by Motor Carriers Common Carriers by Airplane or Brokers Any person or corporation operating as a motor carrier or as a common carrier by airplane and any operator or employe of such carrier and any person or corporation operating as a broker without a certificate of public convenience permit or license authorizing the service performed as required by this act shall upon conviction of a first or second offense in a summary proceeding before any person having the power of a committing magistrate be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars nor more than three hundred dollars and any subsequent offense by such person or corporation shall constitute a misdemeanor and upon conviction thereof such person or corporation shall be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars nor more than five hundred dollars or undergo imprisonment not exceeding six months or both in the discretion of the court Whenever imprisonment is imposed under this section the term "person" or "corporation" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

Section 5 Section one thousand three hundred and fifteen of said act as added by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 636) is hereby amended to read as follows

Section 1315 Penalties for Violations by Officers Agents Employees Shippers or Consignees Any person whether carrier shipper consignee or broker or any officer employe agent or representative thereof who shall knowingly offer grant or give or solicit accept or receive any rebate concession or discrimination in violation of any provision of this act with respect to motor carriers or who by means of false statements or representatives or by use of false or fictitious bill bill of lading receipt voucher roll account claim certificate affidavit deposition lease or bill of sale or by any other means or device shall knowingly and wilfully assist suffer or permit any person or persons natural or artificial to obtain transportation of property by motor carrier subject to this act for less than the applicable rate fare or charge or who shall knowingly and wilfully by any such means or otherwise seek to evade or defeat regulation in this act provided for motor carriers or brokers shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than fifty (\$50) dollars for the first offense and not more than one hundred (\$100) dollars for any subsequent offense

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,

Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Reed,	Walker,
Crider,	Homsher,	Ruth,	Wilson, H. I.,
Crowe,	James,	Scarlett,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Woodward,
Dent,	Kephart,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Fayette will state his point of information.

Mr. CAVALCANTE. Mr. President, what was the number of the bill which we just passed?

The PRESIDENT. Senate Bill '787.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 309, (House Bill No. 312), entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an appropriation," by providing for furnishing artificial limbs to children over ten years of age.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 340, (House Bill No. 238), entitled:

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 501, (House Bill No. 710), entitled:

An Act to enable tax collectors and receivers of taxes to

make return to the county commissioners of unpaid taxes assessed on seated lands for certain years and validating the liens of such taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 575, on second reading, entitled:

An Act to further amend sections 1, 2 and 7 of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639), entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania; and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction, and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained, and exemptions therefrom; and providing for an appropriation to carry out the provisions of said act, and providing for revocation and suspension of licenses by said bureau; and providing penalties for violations thereof, and repealing all acts or parts of acts inconsistent therewith," by defining certain terms; imposing certain additional duties upon the State Board of Medical Education and Licensure; making provisions for graduate students from other states, territories and Canada, and providing for automatic suspension of registration in case of mental incompetency.

be postponed for the present.

Mr. CHAPMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 680, (House Bill No. 869), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L., First Extraordinary Session, 47) entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description; providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgages; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 686, (House Bill No. 598), on second reading, entitled:

An Act requiring the council of cities of the Section Class A to fix the salaries of the officers and members of the police department; and establishing minimum salaries.

be recommitted to the Committee on Municipal Government.

Mr. WALKER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I object, and I desire to interrogate the gentleman who made the motion to recommit this bill.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman who made the motion the reason for recommending the bill.

Mr. GELTZ. Mr. President, the reason for recommending the bill to the Committee on Municipal Government, the committee from which it came, is to permit further study.

Mr. COLEMAN. The gentleman probably is well informed on this particular bill, but if he will permit me, I shall be glad to give him all the information necessary. This is one bill which does not require any great study.

I desire to interrogate the gentleman further, if I may.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be further interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. COLEMAN. Mr. President, I desire to ask the gentleman if he remembers how he voted on a similar bill for the firemen of the City of Scranton in the 1939 session?

Mr. GELTZ. Mr. President, my memory is not that good.

Mr. COLEMAN. Mr. President, if the gentleman will permit, I will be delighted to refresh his memory. He was one of forty-five members of the Senate who voted "aye" on a bill to give the firemen of the City of Scranton minimum salaries, and now the policemen are merely asking the majority floor leader and forty-nine other members of the Senate to give them the same thing.

Mr. GELTZ. Mr. President, it may be I will vote for this bill when the time comes but I do not know that now.

Mr. COLEMAN. Mr. President, I oppose the motion to recommit this bill and if the gentleman from Allegheny will reconsider and if he will withdraw his motion and permit me to make a motion I will be delighted to have it on second reading on the postponed calendar. I have a dread of a bill going back to committee in the closing hours of a legislative session; I have a justifiable suspicion a move of this kind has behind it the purpose of bringing about its ultimate death by strangulation in committee and I would like awfully much if the gentleman from Allegheny will permit me to have it on the postponed calendar.

Mr. GELTZ. Mr. President, my motion was that this bill be recommitted to the Committee on Municipal Government—not the Committee on Public Health.

Mr. COLEMAN. Mr. President, there is an old saying if you want to get a thing across, if you get people laughing they will stop thinking. I am really serious about this and I will again ask the gentleman from Allegheny if he will not withdraw the motion to recommit this bill and permit me to go into a huddle with him at which time I will endeavor to furnish him with the proper information.

Mr. GELTZ. Mr. President, I ask for the question on the motion.

Mr. COLEMAN. Mr. President, I object to the motion to have this bill recommitted. This is not the type of

bill that requires any further study. It is a very simple bill—only two pages—and I ask my colleagues of the Senate to oppose the motion to recommit the bill and I ask for a roll call.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. Coleman and were as follows, viz:

YEAS—29

Bartlett,	Edmonds,	Letzler,	Taylor,
Becker,	Farrell,	Mallery,	Thomas,
Carr,	Geltz,	Miller,	Tyler,
Chapman,	Heyburn,	Scarlett,	Walker,
Crider,	Homsher,	Snowden,	Wilson, H. I.,
Crowe,	James,	Stevenson,	Woodward,
Deltrick,	Kerhart,	Tallman,	Ziesenheim,
Ealy,			

NAYS—14

Barr,	Dent,	McCreesh,	Reed,
Cavalcante,	DiSilvestro,	McQuiddy,	Ruth,
Coleman,	Jaspan,	Mundy,	Stiefel,
Cox,	Lanlus,		

So the question was determined in the affirmative.

APPOINTMENT OF COMMITTEE OF CONFERENCE
TO HOUSE BILL No. 316

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Thomas B. Wilson, Crider and Jaspan, to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

APPOINTMENT OF COMMITTEE OF CONFERENCE
TO HOUSE BILL No. 364

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. EDMONDS. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Heyburn, Henry I. Wilson and Dent, to be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Gov-

ernment in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 837, (House Bill No. 1439), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 900, (House Bill No. 1257), entitled:

An Act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police Sheriffs police officers and constables and providing penalties" providing for an extension of time on permits for such displays when not made on the day designated in the permit.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 903, (House Bill No. 1295), entitled:

An Act to amend section four thousand four hundred two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto," providing for additional members of certain civil service boards.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 963, (House Bill No. 861), on second reading, entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs; and revising, amending and changing the law relating thereto.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 964, (House Bill No. 940), entitled:

An Act to amend section 1202 by adding thereto clause LX, of the act approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" authorizing boroughs to appropriate moneys for the support of hospitals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying

securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 6), page 20, line 2, by underscoring the words "may be"; Amend Sec. 1. (Sec. 11), page 23, line 24, by striking out the words "or solicitor"; Amend Sec. 1 (Sec. 13), page 25, line 14, by striking out the words "or analysis".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on second reading go over in its order as this is a technical bill and there may be some further amendments needed.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1052, (House Bill No. 349), entitled:

An Act to further amend the act approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters; prescribing their powers and duties; authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs; and providing penalties," further regulating the issuing to and revocation and suspension of licenses of weighmasters; requiring the use of suitable scales; regulating the issuing, use and keeping of weighmaster's certificates; conferring powers and imposing duties upon the State, city and county inspectors of weights and measures and the Department of Internal Affairs; declaring certain proofs to constitute prima facie evidence of a violation of the act; extending the provisions of said act to cases heretofore exempted; and prescribing additional and increased penalties.

The first to the seventh sections of the bill were read and agreed to.

The eighth section was read.

On the question,

Will the Senate agree to the section?

Mr. TALLMAN. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows: Amend Section 8 page 13 beginning with line 22 by striking out the bracket before word "Section 8.2"; and on line 26 by striking out the bracket following the words "purpose of this act."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninth and tenth sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1067, (House Bill No. 1232), entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the council in such cities from time to time to make supplemental appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. EDMONDS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EDMONDS from the Committee on Education reported as committed, Senate Bill No. 1095, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

Mr. MALLERY. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY from the Committee on Elections reported as committed, Senate Bill No. 1055, entitled:

An Act to amend sections five, six, thirty-one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

He also from the Committee on Elections reported as committed, Senate Bill No. 1054, entitled:

An Act to amend sections four, five, thirty, thirty-one and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulat-

ing the check-up of electors and the cancellation of their registrations by the commission.

Mr. BECKER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. BECKER, from the Committee on Education reported as amended, Senate Bill No. 1033, (House Bill No. 1355), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the term of county and district superintendent.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 531, (House Bill No. 383), entitled:

An Act to further amend section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing that school districts of the fourth class may employ at their own expense a medical inspector.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 532, (House Bill No. 550), entitled:

An Act to repeal the act, approved the twenty-eighth day of March, one thousand eight hundred and seventy-eight (P. L. 9), entitled "An act relative to the employment of females in hotels, taverns, saloons and eating houses, or other places for the sale of intoxicating and other drinks, and the penalty for the violation thereof."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 579, (House Bill No. 392), entitled:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 594, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance to include work relief, and authorizing the Department of Public Assistance, with the approval of the Governor, to administer work relief projects.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 694, (House Bill No. 1175), entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 704, (House Bill No. 837), entitled:

An Act to further amend section one thousand seven hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high schools and vocational schools of the theories of proper and safe operation of motor vehicles

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 715, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 750, (House Bill No. 398), entitled:

An Act authorizing the Department of Highways to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designated as essential National Defense Highways

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 765, (House Bill No. 1071), entitled:

An Act to further amend section sixteen of the act approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employees; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioners and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of townships or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," providing for the payment of costs by the Commonwealth in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 814, (House Bill No. 1190), entitled:

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 862, (House Bill No. 1072), entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 879, (House Bill No. 1413), entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 890, (House Bill No. 139), entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 912, entitled:

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 923, (House Bill No. 943), entitled:

An Act to reenact and amend section 441 of the act approved the second day of May, one thousand nine hundred

twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 999, entitled:

An Act to amend an act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," as amended, by further defining the liability of certain relatives for the support of indigent persons and authorizing execution against certain property in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1014, (House Bill No. 1512), entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands herein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1015, entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1020, entitled:

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the compromise or private sale of such prop-

erty," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1021, entitled:

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, defining their powers and duties; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing county commissioners to make appropriations for the use of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1033, (House Bill No. 1355), entitled:

An Act to further amend the act, approved the eighteenth day of May; one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith" changing the term of county and district superintendents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1054, entitled:

An Act to amend sections four, five, thirty, thirty-one and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1055, entitled:

An Act to amend sections five, six, thirty-one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioner, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1061, (House Bill No. 811), entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturation redistillation rectification blending recovery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1062, (House Bill No. 830), entitled:

An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of

Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1063, (House Bill No. 831), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1073, (House Bill No. 1429), entitled:

An Act to amend section four of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1094, entitled:

A Joint resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1095, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1099, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1102, entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

SENATE BILL No. 649 (HOUSE BILL No. 971) ON THIRD READING CALLED UP

Mr. MALLERY. Mr. President, I now call up Senate Bill No. 649. (House Bill No. 971), on third reading, page 6 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend section fifteen and to repeal sections fifteen and one-tenth, fifteen and two-tenths and fifteen and three-tenths of the act, approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases reviving validating preserving and extending liens.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I ask unanimous consent to offer the following amendments:

Amend section 2, page 7, line 11, by striking out the word "and" where it appears the second time in said line;

Amend section 2, page 7, line 12, by inserting after the word "two-tenths" and before the word "of" the following: "and fifteen and three-tenths."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, June 5, 1941, at 11 o'clock, a. m. Eastern Standard Time.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:10 o'clock, p. m., Eastern Standard Time until Thursday, June 5, 1941, at 11 o'clock, a. m. Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 4, 1941

The House met at 11 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Dear Lord and Master of us all, we pray Thy blessing upon this Assembly of men as together they consider the business of the State. Help each one to be true lest there be a trust betrayed; help each one to be pure, since there are those at home who care; grant strength to each since suffering there must be; help each man to be brave for there is much to dare.

May Thy blessing be upon our fellowship this day. As Thou dost bless the earth with rain from Heaven, so let Thy blessing fall upon this Nation, this State, this Assembly, yea, upon each one gathered here. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. IMBRIE unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BRADLEY. HOUSE BILL No. 1795.

An Act to further amend clause (c) of section two thousand four hundred six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administration departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers; and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by further providing for the distribution of the State Manual.

Referred to the Committee on Printing.

By Mr. ROSENFELD. HOUSE BILL No. 1796.

An Act creating a joint legislative investigating commission to investigate housing in first class cities; conferring powers and duties on said commission; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. McCLANAGHAN. HOUSE BILL No. 1797.

An Act making an appropriation to the committee ap-

pointed by the Speaker of the House of Representatives to investigate the maintenance, operation and conduct of all State hospitals.

Referred to the Committee on Appropriations.

By Messrs. CORDIER and KENEHAN.

HOUSE BILL No. 1798

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Referred to the Committee on Cities—Second Class.

By Messrs. D'ORTONA and SHAW.

HOUSE BILL No. 1799.

An Act to investigate title insurance companies in the Commonwealth of Pennsylvania; conferring powers and duties on said commission and making an appropriation.

Referred to the Committee on Appropriations.

By Messrs. GATES and NAGEL. HOUSE BILL No. 1800.

An Act creating a joint legislative commission to be known as the Commission for the Study of Legislative Procedure; prescribing its powers and duties; and making an appropriation.

Referred to the Committee on Appropriations.

By Mr. ROSENFELD.

HOUSE BILL No. 1801.

An Act to amend section six of the act, approved the eleventh day of June, one thousand nine hundred fifteen (P. L. 954), entitled "An act to protect the public health and safety; by regulating the erection, alteration repair, use, occupancy, maintenance, sanitation, and condemnation of dwellings, two-family dwellings, rooming houses, and sanitation of the grounds surrounding the same, the adjoining buildings, and all vacant land, in cities of the first class; providing for their inspection, the abatement of nuisances; the vacating of uninhabitable houses, and the filing of liens; creating a Division of Housing and Sanitation; and providing penalties for violations of the provisions thereof, and repealing all laws inconsistent therewith," by adding thereto a provision to the effect that the requirements of said section may be superseded in those instances when a Certificate of Variance is issued by the board of adjustment.

Referred to the Committee on Cities—First Class.

By Messrs. MATTHEW J. WELSH and MONKS.

HOUSE BILL No. 1802.

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Referred to the Committee on Military Affairs.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1018. (HOUSE BILL No. 1803).

An Act making an appropriation to the State Treasurer for the purpose of paying salaries of State officers and employees in the interim between the thirty-first day of May one thousand nine hundred forty-one and such time as

the funds provided by the General Appropriation Act of one thousand nine hundred forty-one become available.

Referred to the Committee on Appropriations.

SENATE BILL No. 1023. (HOUSE BILL No. 1804).

An Act to further amend Section 1033 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" extending the provisions of such section for a further period of two years.

Referred to the Committee on Motor Vehicles.

SENATE BILL No. 697. (HOUSE BILL No. 1805).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 801. (HOUSE BILL No. 1806).

An Act to validate and confirm certain contracts heretofore entered into by boards of school directors where there is no evidence of fraud or conspiracy and to authorize ratify confirm and validate payments on such contracts by the school district.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 1006. (HOUSE BILL No. 1808).

An Act to amend Route 18033 established by amendment to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act"

Referred to the Committee on Appropriations.

SENATE BILL No. 463. (HOUSE BILL No. 1808).

An Act to amend sections one and three of the act approved the tenth day of April one thousand nine hundred and twenty-nine (P. L. 478) entitled "Conferring authority on the Department of Highways or any county or township to enter upon private property adjacent to any public road or highway and place thereon snow fence between

November first and April first of the succeeding year providing the method of ascertaining damages and payment of same by the authorities responsible for the maintenance of the said public road or highway to the owner of adjacent property and repealing certain acts" by including the Pennsylvania Turnpike Commission

Referred to the Committee on Highways.

SENATE BILL No. 601. (HOUSE BILL No. 1809).

A Joint Resolution proposing an amendment to section one article nine of the Constitution of the Commonwealth of Pennsylvania

Referred to the Committee on Constitutional Amendments.

SENATE BILL No. 667. (HOUSE BILL No. 1810).

A Joint Resolution proposing an amendment to Article Nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section eighteen.

Referred to the Committee on Constitutional Amendments.

RESOLUTION INTRODUCED AND REFERRED

BY Messrs. LESKO and HABERLEN.

RESOLUTION No. 101.

In the House of Representatives, June 3, 1941.

Whereas, It is possible, if one purchases a round trip ticket on any of the railroads of this Commonwealth, for such passenger to disembark at intermediary points going to and from his destination, without being compelled to purchase new railroad tickets; and

Whereas, Present practice on the new Pennsylvania Turnpike is to refuse to permit motorists who have round trip tickets to leave the turnpike at intermediary interchanges, and to return thereto without the payment of a new tariff; and

Whereas, If the practice were permitted of allowing such motorists to drive off at intermediary interchanges, and to return to the turnpike without the payment of additional fares, it would increase the use of the turnpike considerably, and, therefore, add greatly to the revenue of the said turnpike; be it therefore

Resolved, That the House of Representatives request the Pennsylvania Turnpike Commission to inaugurate a practice of allowing motorists holding round trip tickets to drive off the road at intermediary interchanges, and to return to the turnpike without paying any additional fare; and be it further

Resolved, That a copy of this resolution be mailed by the Chief Clerk of the House of Representatives to the Chairman of the Pennsylvania Turnpike Commission.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

The report of the Joint State Government Commission of the General Assembly on the organization and administration of Pennsylvania's State Government contains the recommendation that "consideration should be given to the feasibility of establishing a central testing laboratory to make all of the tests of the several departments and agencies of the State Government."

Laboratories are now maintained by the Department of Agriculture, the Department of Health, the Department of Property and Supplies and the Department of Highways which result in a duplication of work and expenses; therefore be it

Resolved (If the House of Representatives concur), That the Joint State Government Commission is directed to undertake an investigation and study of the feasibility and advisability of establishing a central laboratory for the purpose of making such tests, experiments and research as may be required and requested by any department, board, bureau, commission or agency of the State Government and to make a report of their findings and recommendations to the General Assembly not later than February first, one thousand nine hundred forty-three; and be it further

Resolved, That a copy of this resolution shall be transmitted to the Chairman of the said Joint State Government Commission.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

Referred to the Committee on Rules.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 3, 1941.

Resolved, (if the House of Representatives concur), That Senate Bill No. 345, Printer's No. 222, entitled:

An Act to amend subsection (a) of section sixteen of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 415) entitled "An act relating to the qualification jurisdiction powers and duties of registers of wills and regulating proceedings before said registers and the costs thereof the effects of their acts and appeals therefrom" decreasing the period within which appeals may be taken from decrees of registers of wills probating or refusing to probate wills

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 610.

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 310.

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

HOUSE BILL No. 393.

An Act to amend sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 645.

An Act to further amend article four section three hundred forty-eight of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) as amended by the act approved the seventh day of May one thousand nine hundred and thirty-five (P. L. 143) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder after due notice published

HOUSE BILL No. 762.

An Act to further amend sections eleven and twelve of the act, approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 552), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from, rabies, and for the illegal killing of licensed dogs, and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees, directing the payment of all moneys collected into the State Treasury; and providing penalties" by providing for the issuance of metal tags with kennel certificates, requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. COCHRAN for himself after tomorrow's session.

Mr. Polaski for Mr. BRETH for the remainder of the week.

Mr. STINE for himself for the remainder of the week, after today's session.

Mr. HALL for himself for the remainder of the week after today's session.

Mr. HEATHERINGTON for himself for tomorrow's session because of the graduation of one son from High School in the morning and another son from the Eighth Grade in the afternoon.

Mr. BONEY for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. PAUL A. BRUNNER, from the Committee on Forestry, reported as committed, House Bill No. 1729, entitled:

An Act to add section fourteen and one-tenth to the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

Mr. HARKINS, from the Committee on Ways and Means, reported as committed, House Bill No. 1420, entitled:

An Act to amend the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

Mr. POWERS, from the Committee on Ways and

Means, reported as committed House Bill No. 1177, entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of highways and the operation of vehicles tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing certain costs upon counties, providing for the disposition of fines forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allocating fees for inspection certificates for promotion of highway safety.

Mr. WOLF, from the Committee on Counties, reported as committed, House Bill No. 1731, (Senate Bill No. 599), entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

Mr. GATES, from the Committee on Ways and Means, reported as committed, House Bill No. 1506, (Senate Bill No. 379), entitled:

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for state and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

Mr. FRENCH, from the Committee on Counties, reported as committed, House Bill No. 1755, (Senate Bill No. 655), entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

Mr. SCANLON IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1390, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1511, entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five, adopted the twenty-fourth day of February, one thousand nine hundred and forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1129, entitled:

An Act to further amend subsection (a) of section six of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 447), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, right powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balance due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act, approved the fifteenth day of May, one thousand nine hundred thirty-three (P. L. 553), entitled "An act

relating to the financial responsibility of operators and owners of motor vehicles, and to make uniform the law with reference thereto; requiring operators and owners of automobiles, under certain circumstances, to furnish proof of financial responsibility, as herein defined; providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases; regulating insurance policies which may be accepted as proof of financial responsibility; imposing duties upon the Secretary of Revenue, the State Treasurer, and prothonotaries; and prescribing penalties," by giving the secretary discretionary power, under certain circumstances, to suspend operators' licenses; and providing for notice and hearing before suspension of licenses and registration.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1425, entitled:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth; conferring upon the commission full power to issue subpoenas; requiring the commission to make a report of its findings and recommendations to the General Assembly; and authorizing the commission to employ counsel and employees; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1665, entitled:

An Act to amend section six hundred and five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing that said section shall not apply to certain games or devices where free plays are given or allowed; and providing that such free plays shall not be considered things of value.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1263, entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1748, entitled:

An Act to further amend section two of the act, approved the first day of May, one thousand nine hundred seven (P. L. 135), entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas, and orphans' courts, courts of oyer and terminer and general jail delivery, and courts of quarter sessions of the peace, of this Commonwealth, as well as before commissioners, masters, and special masters in chancery, referees, examiners, auditors, and other officers; prescribing their powers and duties, and when such reports shall be evidence of the facts reported; prescribing their

compensation and allowances for expenses, when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed, and when by the parties to such proceedings; and repealing an act, entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth; authorizing the appointment of stenographers by examiners, masters, referees, commissioners, and auditors; authorizing the appointment of assistant stenographers; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May fifteenth, one thousand eight hundred and seventy-four; repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth, prescribing their duties and fixing their compensation," approved May eighth, one thousand eight hundred and seventy-six, and repealing "An act defining the duty of court stenographers in the several counties in this State," approved June tenth, one thousand eight hundred and eighty-one' approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven; but such repeal not to revive any law repealed by the said act of twenty-fourth of May, one thousand eight hundred and eighty-seven," by further prescribing regulations for the furnishing of copies of testimony.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1119, entitled:

An Act exempting automatic merchandise vending machines, and their contents, located on leased premises and held under conditional sale, bailment lease or other like agreement, from levy sale on execution or distress for rent, if certain written notice of such agreement is given the lessor of the premises on which such machines are located, and saving the right to lessors to levy on and sell, or distrain, any rights which lessees may have in such automatic merchandise vending machines under a conditional sale, bailment lease or other like agreement.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1621, entitled:

An Act to add section forty-three to the act, approved the twentieth day of June, one thousand nine hundred and nineteen (P. L. 521), entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death, and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death; and making it unlawful for any corporation of this Commonwealth, or national banking association located therein, to transfer the stock of such corporation or banking association, standing in the name of any such decedent, until the tax on the transfer thereof has been paid; and providing penalties; and citing certain acts for repeal," authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1536. (Senate Bill No. 212), entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledges and to make uniform the law with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1760, entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House Proceeded to the first reading an consideration of House Bill No. 1121, entitled:

A further Supplement to the act, approved the first day of April, one thousand eight hundred and sixty-three (P. L. 213), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making an appropriation for carrying the same into effect.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1648, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine, (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of tractors and trailers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," as variously amended, by changing registration years, fractions of registration years, operator's license years; extending the time for exemption from fees for transfer of registration to conform with changed registration year; reducing operator's license fee; and giving the secretary power to determine whether certain motor vehicles are of tractor type.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 361, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capitol City.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1490, entitled:

An Act authorizing the tax assessment records of lands, buildings and minerals be admissible as evidence in any action of law or equity where damages are claimed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER pro tempore. House Bill No. 1365, Printer's No. 867, bill on first reading on page 7 of today's Calendar is not on file and will be passed over.

The SPEAKER (Elmer Kilroy) in the Chair.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Scanlon, for presiding.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. READINGER asked and obtained permission for the Committee on State Government to meet during the session of the House.

BILLS ON SECOND READING TIME EXTENDED ON BILL

Mr. FALKENSTEIN. Mr. Speaker, I move that the time on House Bill No. 495, Printer's No. 693, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

on page 8 of today's Calendar, bills on second reading, be extended fourteen calendar days.

The motion was agreed to.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 847, entitled:

An Act to further amend three hundred one and to amend section four hundred one of the act, approved the twenty-eighth day of May, one thousand nine hundred thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicles and brokers in order to regulate effectively

common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further limiting the control and regulation of the commission in respect to rates, service and extensions by municipal corporations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 664, entitled:

An Act to amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifi-

cations of certain children for exemption from compulsory attendance provisions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1709, entitled:

An Act to further amend the definition of "Liquid Fuels" contained in section two of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-one (P. L. 149), entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriation," by excluding certain gasoline not used in internal combustion engines to propel vehicles on the public highways in this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1488, entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1432, entitled:

An Act to further amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting

the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by changing certain routes and adding certain new routes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1705, entitled:

An Act to amend the act, approved the fifth day of May, one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways, and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1431, entitled:

An Act to further amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 916, entitled:

An Act making an appropriation to the Department of Highways for the erection and construction of ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg, and for the construction of the necessary approaches thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 917, entitled:

An Act establishing certain public roads and streets in the borough of West Leechburg, Westmoreland County, as a state highway; providing for their construction and maintenance by the Department of Highways, and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE
BILL PASSED OVER

There being no objection House Bill No. 391, Printer's No. 744, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the third reading and final passage calendars be made special orders of business.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1302, as follows:

An Act relative to the printing for the Commonwealth of Pennsylvania to establish the requirements of responsible bidders to prescribe penalties for the violation of the provisions of this act and to repeal all acts and parts of acts inconsistent with the provisions of this act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All printing for which the Commonwealth is chargeable or which is paid for with funds appropriated wholly or in part by the Commonwealth must be printed within the Commonwealth of Pennsylvania except such as cannot be legally printed within the Commonwealth

1 Printing firms who are desirous of presenting bids for Commonwealth printing shall be required to establish consideration as a responsible bidder as follows:

(a) As a condition to consideration as a responsible bidder printing concerns must file with the Secretary of Property and Supplies a sworn statement to the effect that employees in the employ of the concern which is to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in the locality in which the work is produced

(b) Whenever a collective bargaining agreement is in effect between an employer and employees who are represented by a responsible organization which is in no way influenced or controlled by the management such agreement and its provisions shall be considered as conditions prevalent in said locality and shall be the minimum requirements for being adjudged a responsible bidder under this act

(c) In case any dispute arises as to what are prevailing rates of wages for such work applicable to the contract which cannot be adjusted by the contracting officer the matter shall be referred to the Secretary of Property and Supplies for determination and his decision thereon shall be conclusive on all parties to the contract.

2 State-owned and State-aided printing establishments shall be exempt from the above provisions. Provided however That these institutions shall not perform printing other than the needs and requirements of these institutions

Section 2 Any officer or employe of the Commonwealth who shall knowingly accept any printed matter or is found to have had printed matter produced under conditions other than set forth in this act and which is paid for with funds appropriated wholly or in part by the Commonwealth shall be subject to a fine of fifty dollars (\$50) for each and every offense.

In default of payment of such fine the following penalties shall be applied ten (10) days in jail for first offense and thirty (30) days for all subsequent offenses. All such fines shall be paid to the treasurer of the Commonwealth.

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 4 This act shall become effective on the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the third time,
considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Floor,	Maxwell,	Sarge,
Baker,	French,	McClanaghan,	Sarraf,
Balthaser,	G. Magher,	McClester,	Scanlon,
Baughner,	Gates,	McDermott,	Schwab,
Bentley,	Gerard,	McDowell,	Serrill,
Bentzel,	Gillan,	McFall,	Shaffer,
Boles,	Gillette,	McGrath,	Shaw,
Boney,	Goodwin,	McIntosh,	Shepard,
Boorse,	Greenwood,	McLanahan,	Simons,
Bower,	Gross,	McLane,	Skale,
Bradley,	Grvskewicz,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Hall,	Melchiorre,	Sorg,
Brunner, C. H.	Hamilton,	Modell,	Stambaugh,
Brunner, P. A.,	Hare,	Monks,	Stank,
Burns,	Harkins,	Mooney,	Stine,
Burris,	Harmuth,	Moran,	Stockham,
Cadwalader,	Harris,	Mulr,	Tarr,
Chervenak,	Heatherington,	Munley,	Tate,
Chudoff,	Helm,	Nagek,	Taylor,
Cochran,	Hering,	Nunemacher,	Thompson, E. F.,
Cohen, M. M.,	Herman,	O'Brien,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Connor,	Trout,
Cook,	Hewitt,	O'Dare,	Turner,
Cooper,	Hirsch,	O'Mullen,	Verona,
Cordier,	Holland,	O'Neill,	Vincent,
Corrigan,	Huntley,	Owens,	Voldow,
Cooper,	Imbrie,	Petrosky,	Vogt,
Cullen,	James,	Pettit,	Voorhees,
Dairymple,	Jefferson,	Polaski,	Wagner,
Dennison,	Jones, G. E.,	Polen,	Watkins,
DiGenova,	Jones, P. N.,	Powers,	Weingartner,
Dolon,	Keenan,	Prosen,	Weiss,
D'Ortona,	Kenehan,	Rank,	Welsh, E. B.,
Duffy,	Kline,	Rausch,	Welsh, M. J.,
Early,	Kolankiewicz,	Readinger,	Williams,
Elder,	Komorofski,	Reagan,	Winner,
Elliott,	Krise,	Reese, D. P.,	Wolf,
Ely,	Lee, E. A.,	Reese, R. E.,	Wood, L. H.
Falkenstein,	Lee, T. H.,	Regan,	Wood, N.,
Finestone,	Leonard,	Reynolds,	Woodring,
Finnerty,	Leisey,	Rhea,	Woodside,
Fisher,	Lesko,	Riley,	Wright,
Fiss,	Levy,	Rooney,	Yeakel,
Fleming,	Leydic,	Rose, W. M.,	Yester,
Fletcher,	Longo,	Rosenfeld,	Young,
Flynn,	Lovett,	Royer,	Kilroy, Speaker.
	Malloy,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 771, as follows:

An Act to amend subsection (d) of section two hundred eight sections six hundred two and six hundred three of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer

and prescribing penalties" further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act in certain cases and making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (d) of section two hundred eight sections six hundred two and six hundred three of the act approved the fifth day of December one thousand nine hundred thirty-six (1937 P. L. 2897) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * * *

(d) The secretary shall by rules and regulations establish classes of employment composed of all of the various positions to be created for the purpose of administering this act shall divide such classes into a reasonable number of grades and shall specify a salary range for each grade All appointments shall be made at the lowest salary for the grade in which the appointment is made The secretary may increase the salary of any employee who has served the probationary period hereinafter required by this act to not more than the maximum provided for his grade of employment Provided however That all persons employed pursuant to the provisions of this act shall in addition to the salary which they are now receiving receive increases in salary as follows

(1) An increase which shall not be less than at the rate of sixty dollars (\$60) per annum over the present rate of compensation now being paid such employee payable in equal semi-monthly installments for the period of six months beginning with the effective date of this act

(2) An increase which shall not be less than at the rate of one hundred and twenty dollars (\$120) per annum over the present rate of compensation now being paid such employee payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding clause (1) hereof

(3) An increase which shall not be less than at the rate of one hundred and eighty dollars (\$180) per annum over the present rate of compensation now being paid such employees payable in equal semi-monthly installments for the period of six months beginning immediately following the six month period set forth in the preceding paragraph (2) hereof

(4) An increase which shall not be less than at the rate of two hundred and forty dollars (\$240) per annum over the present rate of compensation now being paid such employees payable in equal semi-monthly installments for the period beginning immediately following the six month period set forth in the preceding paragraph (3) hereof and so long as such person continues to be employed in the same grade of employment And provided further That all persons employed pursuant to the provisions of this act after the effective date of this amendment shall be entitled to and shall receive increases in salary provided in the following clauses five six seven and eight

(5) Upon the completion of six months service an increase which shall not be less than at the rate of sixty dollars (\$60) per annum over the rate of compensation paid such employee when first employed payable in equal semi-monthly installments for a period of six months

(6) Immediately following the period set forth in the preceding clause (5) an increase which shall not be less than at the rate of one hundred and twenty dollars (\$120) per annum over the rate of compensation paid such employee when first employed payable in equal semi-monthly installments for a period of six months

(7) Immediately following the period set forth in the preceding clause (6) an increase which shall not be less than at the rate of one hundred and eighty dollars (\$180) per annum over the rate of compensation paid such employee when first employed payable in equal semi-monthly installments for a period of six months

(8) Immediately following the period set forth in the preceding clause (7) an increase which shall not be less than at the rate of two hundred and forty dollars (\$240) per annum over the rate of compensation paid such employee when first employed payable in equal semi-monthly installments so long as such person continues to be employed in the same grade of employment

(9) For the sole purpose of applying the provisions of this subsection (d) any person whose grade of employment shall hereafter be changed shall be deemed to be newly employed

(10) The provisions of this subsection (d) shall not apply to any salaries in excess of sixteen hundred and twenty dollars (\$1,620) per annum

Section 602 Administration Fund There is hereby created a special fund to be known as the administration Fund which shall consist of all moneys or other property received by the department from the United States of America or any agency thereof including the Social Security Board or from any other source whatsoever to be used for the administration of this act The department shall pay all costs required for the administration and operation of this act out of the Administration Fund

In addition, any law to the contrary notwithstanding, this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department in making disbursements arising from payments out of the Unemployment Compensation Fund, and the fund created in this section.

Section 603. State Treasurer as Custodian.—The State Treasurer shall be the custodian of the Unemployment Compensation fund and the Administration Fund. He shall give a bond or bonds with corporate sureties, conditioned upon the faithful performance of his duties as custodian of such funds, in such amount or amounts as shall be determined and fixed by the Executive Board of this Commonwealth. Premiums for such bond or bonds shall be paid by the department out of the moneys in the Administration Fund. All moneys belonging to such funds (exclusive of moneys on deposit in the Unemployment Trust Fund, as provided in section six hundred one) shall be deposited by the State Treasurer in any banks or public depositories in which general funds of the Commonwealth may be deposited, but no public deposit insurance charge or premium shall be paid out of moneys in the Unemployment Compensation Fund. Any law to the contrary notwithstanding, all payments from such funds shall be made by the State Treasurer under such systems of requisitioning and accounting as [the Governor] the State Treasurer [and secretary] shall determine with the approval of the Social Security Board.

Section 2 This act shall become effective on the first day of July one thousand nine hundred and forty-one

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Foor,	Maxwell,	Sarge,
Baker,	French,	McClanaghan,	Sarra,
Balthaser,	Gallagher,	McClester,	Scanlon,
Baughner,	Gates,	McDermott,	Schwab,
Bentley,	Gerard,	McDowell,	Serrill,
Bentzel,	Gillan,	McFall,	Shaffer,
Boles,	Gillette,	McGrath,	Shaw,
Brey,	Goodwin,	McIntosh,	Shepard,
Boorse,	Greenwood,	McLanahan,	Simons,
Bower,	Gross,	McLane,	Skale,
Bradley,	Gryskewicz,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Hamilton,	Melchiorre,	Sorg,
Brunner, C. H.,	Hare,	Modell,	Stambaugh,
Brunner, P. A.,	Harkins,	Monks,	Stank,
Burns,	Harmuth,	Mooney,	Stine,
Burris,	Harris,	Moran,	Stockham,
Cadwalader,	Heatherington,	Muir,	Tarr,
Chervenak,	Helm,	Munley	Tate,
Chudoff,	Hering,	Nagel	Taylor,
Cochran,	Herman,	Nunemacher	Thompson, E. F.,
Cohen, M. M.,	Hersch,	O'Brien,	Thompson, R. L.,
Cohen, R. E.,	Hewitt,	O'Connor,	Trout,
Cook,	Hirsch,	O'Dare,	Turner,
Cooper,	Holland,	O'Mullen,	Verona,
Cordier,	Huntley,	O'Neill,	Vincent,
Corrigan,	Imbrie,	Owens,	Vogt,
Croop,	James,	Petrosky,	Voldow,
Cullen,	Jefferson,	Pettit,	Voorhees,
Dalrymple,	Jones, G. E.,	Polaski,	Wagner,
Dennison,	Jones, P. N.,	Polen,	Watkins,
DiGenova,	Keenan,	Powers,	Weingartner,
Dolon,	Kenahan,	Prosen,	Weiss,
D'Ortona,	Kline,	Rank,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Early,	Komorofski,	Readinger,	Williams,
Elder,	Krise,	Reagan,	Winner,
Elliot,	Lee, E. A.,	Reese, D. P.,	Wolf,
Ely,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Leisey,	Regan,	Wood, N.,
Finestone,	Leonard,	Reynolds,	Woodring,
Finnerty,	Lesko,	Rhea,	Woodside,
Fisher,	Levy,	Riley,	Wright,
Fiss,	Leydic,	Rooney,	Yeakel,
Fleming,	Longo,	Rose, W. E.,	Yester,
Fletcher,	Lovett,	Rosenfeld,	Young,
Flynn,	Malloy,	Royer,	Kilroy, Speaker
		Rush,	

NAYS—1

Hall,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1283, as follows:

An Act authorizing county commissioners to execute and deliver good and sufficient fee simple deeds transferring all their right title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any seated or unseated lands have been or shall hereafter be sold at any county treasurer's sale for the collection of taxes and such lands have been or are purchased at said sale by the county commissioners and thereafter such county commissioners shall sell the lands so purchased under the authority of any act of assembly at either public or private sale the county commissioners are hereby authorized to execute and deliver to the purchaser a good and sufficient fee simple deed for such lands which deed shall operate to transfer all right title and interest of the county commissioners therein

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Maxwell,	Sarge,
Baker,	French,	McClanaghan,	Sarra,
Balthaser,	Gallagher,	McClester,	Scanlon,
Baughner,	Gates,	McDermott,	Schwab,
Bentley,	Gerard,	McDowell,	Serrill,
Bentzel,	Gillan,	McFall,	Shaffer,
Boles,	Gillette,	McGrath,	Shaw,
Boney,	Goodwin,	McIntosh,	Shepard,
Boorse,	Greenwood,	McLanahan,	Simons,
Bower,	Gross,	McLane,	Skale,
Bradley,	Gryskewicz,	McMillen,	Snyder,
Bretherick,	Haberlen,	McSurdy,	Sollenberger,
Brown,	Hall,	Melchiorre,	Sorg,
Brunner, C. H.,	Hamilton,	Modell,	Stambaugh,
Brunner, P. A.,	Hare,	Monks,	Stank,
Burns,	Harkins,	Mooney,	Stine,
Burris,	Harmuth,	Moran,	Stockham,
Cadwalader,	Harris,	Muir,	Tarr,
Chervenak,	Heatherington,	Munley	Tate,
Chudoff,	Helm,	Nagel	Taylor,
Cochran,	Hering,	Nunemacher	Thompson, E. F.,
Cohen, M. M.,	Herman,	O'Brien,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Connor,	Trout,
Cook,	Hewitt,	O'Dare,	Turner,
Cooper,	Hirsch,	O'Mullen,	Verona,
Cordier,	Holland,	O'Neill,	Vincent,
Corrigan,	Huntley,	Owens,	Vogt,
Croop,	Imbrie,	Petrosky,	Voldow,
Cullen,	James,	Pettit,	Voorhees,
Dalrymple,	Jefferson,	Polaski,	Wagner,
Dennison,	Jones, G. E.,	Polen,	Watkins,
DiGenova,	Jones, P. N.,	Powers,	Weingartner,
Dolon,	Keenan,	Prosen,	Weiss,
D'Ortona,	Kenahan,	Rank,	Welsh, E. B.,
Duffy,	Kline,	Rausch,	Welsh, M. J.,
Early,	Kolankiewicz,	Readinger,	Williams,
Elder,	Komorofski,	Reagan,	Winner,
Elliot,	Krise,	Reese, D. P.,	Wolf,
Ely,	Lee, E. A.,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Lee, T. H.,	Regan,	Wood, N.,
Finestone,	Leisey,	Reynolds,	Woodring,
Finnerty,	Leonard,	Rhea,	Woodside,
Fisher,	Lesko,	Riley,	Wright,
Fiss,	Levy,	Rooney,	Yeakel,
Fleming,	Leydic,	Rose, W. E.,	Yester,
Fletcher,	Longo,	Rosenfeld,	Young,
Flynn,	Lovett,	Royer,	Kilroy, Speaker
	Malloy,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 908, as follows:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" by

defining the jurisdiction of the Pennsylvania Milk Control Commission over certain associations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The next to the last paragraph of section four of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (P. L. 885) entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock and defining agriculture so as to include persons engaged in agriculture dairying livestock raising poultry raising floriculture mushroom growing beekeeping horticulture and other allied occupations and providing penalties" is hereby amended to read as follows

Section 4

* * * *

Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given shall then be presented to the Governor of this Commonwealth who shall examine the same and if finds it in proper form and within the purpose mentioned in this act he shall indorse his approval thereon and direct letters patent to issue in form similar to those issued to corporations of the second class in this Commonwealth with letters patent shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Provided however That if the articles of association are for the incorporation of an association with power to handle process or market milk or milk products the Governor having found it in proper form shall refer it to the Pennsylvania Milk Control Commission and if the commission shall find and so certify to the Governor that the application is a genuine one and not made for the purpose of avoiding full compliance with the provisions of the act approved the twenty-eighth day of April one thousand nine hundred thirty-seven (P. L. 417) known as the "Milk Control Law" and amendments thereto the Governor shall indorse his approval thereon and direct letters patent to issue as provided above Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose

Section 2 Section sixteen of said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 645) is hereby further amended to read as follows

Section 16 Any such association after making provision for the payment of dividends on the preferred stock and before payment of dividends on the common stock or the distribution of any patronage refund or dividend shall set aside ten per centum of the total net earnings annually for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock The reserve fund shall be available for such purposes as shall be designated and authorized by the vote of two-thirds of the members of the board of directors at a duly assembled meeting of said board subject to such limitations and conditions as shall be provided for in the by-laws of the association Any such association handling processing or marketing milk or milk products shall file such annual and other periodic reports with the Pennsylvania Milk Control Commission concerning its transactions as the said board may require containing such information as the said board may require

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Malloy,	Rush,
Baker,	French,	Maxwell,	Sarge,
Baithaser,	Gallagher,	McClanaghan,	Sarra,
Baughter,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,

Bentzel,	Gillan,	McDowell,	Serrill,
Boles,	Gillette,	McFall,	Shaffer,
Boney,	Goodwin,	McGrath,	Shaw,
Boorse,	Greenwood,	McIntosh,	Shepard,
Bowe,	Gross,	McLanahan,	Simons,
Bradley,	Gryskewicz,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,
Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Muir,	Tarr,
Cludoff,	Helm,	Munley	Tate,
Cochran,	Hering,	Nagel	Taylor,
Cohen, M. M.,	Herman,	Nunemacher	Thompson, E. F.,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, R. L.,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Turner,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dairymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
D'Ortona,	Keenan,	Powers,	Weingartner,
Dolon,	Kenehan,	Prosen,	Weiss,
Duffy,	Kline,	Rank,	Weish, E. B.,
Early,	Kolankiewicz,	Rausch,	Weish, M. J.,
Elder,	Komorowski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winnier,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lelsey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Fiss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Longo,	Rose, W. E.,	Yester,
Flynn,	Lovett,	Rosenfeld,	Young,
		Royer,	Kilroy,

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1233, as follows:

An Act to amend section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" authorizing the county commissioners from time to time to make supplemental appropriations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" which was added by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1184) is hereby amended to read as follows

Section 370 Annual Budget Control of Expenditures The controller or the county commissioners where there is no controller shall annually prepare a proposed budget for the next fiscal year at least thirty days prior to the adoption of the budget Said budget shall be prepared on forms furnished as provided in section three hundred seventy point one of this act Final action shall not be taken on the proposed budget by the county commissioners until after at least ten days' public notice The proposed budget

shall be published or otherwise made available for public inspection by all persons who may interest themselves at least twenty days prior to the date set for the adoption of the budget. The county commissioners shall after making such revisions and changes therein as appear advisable adopt the budget and necessary appropriation measures required to put it into effect.

Within fifteen days after the adoption of the budget the county commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The county commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law.

The county commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year.

No work shall be hired to be done no materials purchased no contracts made and no orders issued for the payment of any moneys by the county commissioners which will cause the sums appropriated to be exceeded.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	McClanaghan,	Sarge,
Baker,	Gallagher,	McClester,	Sarraf,
Baltanaser,	Gates,	McDermott,	Scanlon,
Baughner,	Gerard,	McDowell,	Schwab,
Bentley,	Gillan,	McFall,	Serrill,
Bentzel,	Gillette,	McGrath,	Shaffer,
Boles,	Goodwin,	McIntosh,	Shaw,
Boney,	Greenwood,	McLanahan,	Shepard,
Boorse,	Gross,	McLane,	Simons,
Bower,	Gryskewicz,	McMillen,	Skale,
Bradley,	Haberlen,	McSurdy,	Snyder,
Bretherick,	Hall,	Melchiorre,	Sollenberger,
Brown,	Hamilton,	Modell,	Sorg,
Brunner, C. H.,	Hare,	Monks,	Stambaugh,
Brunner, P. A.,	Harkins,	Mooney,	Stank,
Burns,	Harmuth,	Moran,	Stine,
Burriss,	Harris,	Muir,	Stockham,
Cadwalader,	Heatherington,	Munley,	Tarr,
Chervenak,	Helm,	Nagel,	Tate,
Chudoff,	Hering,	Nunemacher,	Taylor,
Cochran,	Herman,	O'Brien,	Thompson, E.,
Cohen, M. M.,	Hersch,	O'Connor,	Thompson, R.,
Cohen, R. E.,	Hewitt,	O'Dare,	Trout,
Cook,	Hirsch,	O'Mullen,	Turner,
Cooper,	Holland,	O'Neill,	Verona,
Cordier,	Huntley,	Owens,	Vincent,
Corrigan,	Imbrie,	Petrosky,	Vogt,
Croop,	James,	Pettit,	Voldow,
Cullen,	Jefferson,	Polaski,	Voorhees,
Dalrymple,	Jones, G. E.,	Polen,	Wagner,
Dennison,	Jones, P. N.,	Powers,	Watkins,
DiGenova,	Keenan,	Prosen,	Weingartner,
Dolon,	Fenehan,	Rank,	Weiss,
D'Ortona,	Kline,	Rausch,	Welsh, E. B.,
Duffy,	Kolankiewicz,	Readinger,	Welsh, M. J.,
Early,	Komorowski,	Reagan,	Williams,
Elder,	Krise,	Reese, D. P.,	Winner,
Elliot,	Lee, E. A.,	Reese, R. E.,	Wolf,
Ely,	Lee, T. H.,	Regan,	Wood, L. H.,
Falkenstein,	Lelsey,	Reynolds,	Wood, N.,
Finestone,	Leonard,	Rhea,	Woodring,
Flinnerty,	Lesko,	Riley,	Woodside,
Fisher,	Levy,	Rooney,	Wright,
Fiss,	Leydic,	Rose, W. E.,	Yeakel,
Fleming,	Longo,	Rosenfeld,	Yester,
Fletcher,	Lovett,	Royer,	Young,
Flynn,	Malloy,	Rush,	Kilroy, Speaker
For,	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1235, as follows:

An Act to further amend section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government and institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" authorizing the commissioners of any county institution district from time to time to make supplemental appropriations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2017) entitled "An act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons and children prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations imposing certain existing obligations on institution districts and on the Commonwealth regulating the affairs of poor districts until abolished revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws" as amended by the act approved the twentieth day of June one thousand nine hundred thirty-nine (P. L. 516) is hereby further amended to read as follows

Section 309 Budget and Financial Requirements The Commissioners of every county institution district shall annually at least thirty days prior to the adoption of the annual budget prepare a proposed budget of the amount of funds that will be required by the district in its several departments for the ensuing fiscal year Such proposed budget shall be prepared on a uniform form prepared and furnished as provided in this act and shall be apportioned to the several classes of expenditures of the district as the commissioners may determine Final action shall not be taken on any proposed budget until after at least ten days' public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the

budget The commissioners after making such revisions and changes therein as appear advisable shall adopt the budget and the necessary appropriation measures required to put it into effect Within fifteen days after the adoption of the budget the commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

The commissioners may at any time by resolution make a supplemental appropriation for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated including the proceeds of any borrowing now or hereafter authorized by law

The commissioners shall have power to authorize the transfer within the same fund of any unencumbered balances or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

No work shall be hired to be done no materials purchased no contracts made and no order issued for the payment of any moneys by the commissioners in any amount which will cause the sums appropriated to specific purposes to be exceeded

[In the year one thousand nine hundred and thirty-nine the commissioners of any county institution district having an institution for the care and maintenance of mental patients transferred to the Commonwealth under the act approved the twenty-ninth day of September one thousand nine hundred and thirty-eight (P. L. 53) entitled "An act relating to institutions of counties cities and institution districts for the care maintenance and treatment of mental patients providing for the transfer of such institutions to the Commonwealth providing for the management and operation or closing and abandonment thereof and the maintenance of mental patients therein including the collection of maintenance in certain cases providing for the retransfer of certain property to institution districts under certain circumstances conferring and imposing upon the Governor the Department of Welfare the courts of common pleas and counties cities and institution districts certain powers and duties prohibiting cities counties and institution districts from maintaining and operating institutions in whole or in part for the care and treatment of mental patients and repealing inconsistent laws" shall have power to adopt a supplemental budget to any annual budget theretofore adopted for the amount of funds that will be required by such district to operate such institution for that proportion of the year one thousand nine hundred and thirty-nine not provided for in the regularly adopted annual budget and for the purpose of providing funds for the expenditures set forth in such supplemental budget may borrow moneys in accordance with section three hundred eight hereof]

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Malloy,	Rush,
Baker,	French,	Maxwell,	Sarge,
Balthaser,	Gallagher,	McClanaghan,	Sarra,
Baughner,	Gates,	McClester,	Scanlon,
Bentley,	Gerard,	McDermott,	Schwab,
Bentzel,	Gilian,	McDowell,	Serrill,
Boies,	Gillette,	McFall,	Shaffer,
Boney,	Greenwood,	Mc Rath,	Shaw,
Boorse,	Goodwin,	McIntosh,	Shepard,
Bower,	Gross,	McLanahan,	Simons,
Bradley,	Gryskewicz,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monke,	Stank,
Burris,	Harmuth,	Mooney,	Stine,

Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Mulr,	Tarr,
Chudoff,	Helm,	Munley,	Tate,
Cochran,	Hering,	Nagel,	Taylor,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, R. L.,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Turner,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dairymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dolon,	Keenan,	Powers,	Weingartner,
D'Ortona,	Kenehan,	Prosen,	Welss,
Duffy,	Kline,	Rank,	Welsh, E. B.,
Early,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Elder,	Lozowski,	Readinger,	Williams,
Elliot,	Krise,	Reagan,	Winner,
Ely,	Lee, A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leisey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Fiss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Longo,	Rose, W. E.,	Yester,
Flynn,	Lovett,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2, as follows:

An Act authorizing cities boroughs towns and townships to construct acquire own operate control sell and lease facilities for the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water or the collection disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits or both conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission and prescribing penalties

Table of Contents

Article I Preliminary Provisions

Article II Acquisition and Construction of Municipal Public Utility Facilities

Article III Boards of Directors Optional

(a) Determination by Municipal Authorities

(b) Creation of Boards of Directors

(c) Powers of Boards of Directors

(d) Officers of Boards of Directors

(e) Audits

(f) Municipal Powers

Article IV Miscellaneous Provisions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 1 Definitions The following words and phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" the board of directors created under this act

to manage and operate public utility facilities acquired or constructed in accordance with this act

"Municipality" any city borough town and township of this Commonwealth and shall refer to the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Municipal authorities" refers to the municipal authorities of the municipality acquiring or constructing public utility facilities in accordance with the provisions of this act

"Owner" any individual copartnership association and corporation owning or leasing in whole or in part any public utility facilities in use or usable for the purpose of furnishing and supplying water or electrical energy to the public the acquisition of which is desired by a municipality

"Public utility facilities" all the plant and equipment including and tangible and intangible real and personal property and any and all means and instrumentalities owned operated leased used and controlled in connection with the production generation transmission distribution or furnishing of natural or artificial gas electricity steam or water and the collection disposition or treatment of sewage

"Public Utility service" the furnishing or rendering of natural or artificial gas electric energy steam water or sewage service to the public

Section 2 Short Title This act shall be known and may be cited as "The Municipal Utility Law"

Article II

Acquisition and Construction of Municipal Waterworks or Electric Plants

Section 21 Powers of Municipalities Any municipality is hereby authorized and given power to construct acquire own operate control sell or lease public utility facilities and to add to and maintain such facilities to enable it to furnish or render public utility service within or beyond its corporate limits or both

Section 22 Constitution of Waterworks and Dams The construction of any waterworks shall be in accordance with plans therefor previously filed with the Secretary of Health and a permit issued therefor in accordance with the Act of Assembly approved the twenty-second day of April one thousand nine hundred and five (P. L. 260) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" and the amendments and supplements thereto The construction of any dam or of any other obstruction to a stream shall be in accordance with a permit issued therefor by the Water and Power Resources Board in accordance with the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams or other structures or obstruction as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" and the amendments and supplements thereto

Section 23 Power of Eminent Domain Every municipality is hereby granted the power of eminent domain under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such municipality

(a) For the purpose of erecting public utility facilities or improving its public utility facilities to acquire springs streams rivers lakes ponds water sheds or creeks and lands easements roads streets and rights of way within or beyond its territorial limits as to which the Water and Power Resources Board after due notice and public hearing shall have found that the appropriation of the same is required by the present or future interests of the Commonwealth for the construction maintenance or operation of the public utility facilities of said municipality and is not incompatible with the public interests of

the region in the vicinity of such public utility facilities and

(b) For the purpose of laying and constructing pipes drains conduits water ways substations inter-tie and transmission lines under and over any lands rivers streams bridges roads streets sidewalks or across railroads and street railways to acquire lands easements roads streets and rights of way No water appropriated under the provisions of this act shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes

No municipality shall exercise the right of eminent domain herein conferred as against any property of a public utility company other than a company rendering a public utility service as defined in this act as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of assembly by the Council of the Colony of Pennsylvania the Supreme Executive Council of the Commonwealth of Pennsylvania or the Congress of the United States or as against the land occupied by any fort redoubt or blockhouse erected during the Colonial or Revolutionary period or any building used as headquarters by the Commander-in-Chief of the Continental Army or as against the site of any building fort redoubt blockhouse or headquarters which are preserved for their historic associations and not for private profit The Colonial and Revolutionary period shall be taken as ended on the third day of September one thousand seven hundred and eighty-three

No municipality shall exercise the right of eminent domain herein conferred against any real property outside its corporate limits without the approval of the Pennsylvania Public Utility Commission

Section 24 Notice of Intention to Acquire Public Utility Facilities Whenever the municipal authorities of any municipality shall desire to acquire by purchase or right of eminent domain the public utility facilities of an owner in whole or in part they shall adopt a resolution signifying their intention to do so The municipal authorities shall forthwith serve on the owner his her their or its authorized agent or representative a true copy of such resolution duly certified under the seal of the municipality

Section 25 Hearings If within ten days after the service of such resolution upon the owner his her their or its authorized agent or representative such owner shall propose to sell and transfer such public utility facilities in whole or in part to the municipality upon terms and conditions to be mutually agreed upon between such owner and the municipal authorities the Pennsylvania Public Utility Commission shall upon application fix a time and place for a public hearing and consideration of such proposal of which due notice to all parties interested shall be given as the commission may direct

Section 26 Owners to Furnish Maps and Drafts of Public Utility Facilities The owner or owners shall also furnish to the municipal authorities five days before the day of hearing a map or draft delineating and picturing the public utility facilities of the said owner or owners in actual and contemplated use for furnishing or rendering public utility service to any and all portions of the area of such municipality

Section 27 Execution of Contracts for Purchase If after the public hearing the terms and conditions of the purchase and sale shall be agreed upon by the municipal authorities and the said owner or owners and be approved by the Pennsylvania Public Utility Commission then the municipal authorities shall by resolution authorize and direct the execution on the part of the municipality of such contracts in writing and other instruments and take any and every action with reference thereto necessary or appropriate to consummate such purchase and sale and transfer to the municipality of the public utility facilities of the said owner or owners and to make payment therefor in accordance with the terms of such agreement

Section 28 Power of Eminent Domain If the amount to be paid by the municipality to said owner or owners for his her their or its public utility facilities cannot be

mutually agreed upon then the municipality shall have power by its municipal authorities to acquire such public utility facilities or any part thereof by the exercise of the power of eminent domain which power of eminent domain is hereby granted. Provided however That no municipality shall acquire by condemnation or purchase any privately owned public utility facilities located within its limits except with the approval of a majority of the electors of the municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth and when such facilities are located in some other municipality also with the approval of a majority of the electors of such municipality voting on a question so submitted. No municipality shall acquire by condemnation the public utility facilities or any part thereof belonging to or owned or operated by any political subdivision or governmental agency or mutual nonprofit or cooperative association or organization. No private corporation whose public utility facilities are so acquired shall cease to operate the same until such facilities are turned over to the municipality.

No source of supply or generating system for public utility service shall be taken without taking also the property and works necessarily dependent upon such source of supply or generating system for such service at the time of such taking.

Section 29 Procedure Valuation Every such eminent domain proceeding shall be instituted by petition filed by the municipality before the Pennsylvania Public Utility Commission. The commission shall thereupon proceed to value and appraise the public utility facilities and for such purpose shall have access to the books and records of the owner to inform itself as to the value thereof. The commission shall fix a time and place for a hearing on said violation of which reasonable notice shall be given to all parties in interest. At such hearing testimony and evidence may be offered by either party.

After such notice and hearing the commission shall make an order determining the value of the public utility facilities to be acquired. Any party aggrieved by such order may appeal therefrom as provided in section ninety-three of this act.

Section 30 Completion of Financing Plans Taking of Possession When the value of the public utility facilities of an owner or owners has been finally determined as provided in this act and the plans of the municipality for financing such acquisition have been fully completed the municipality shall have the right to enter into possession of said public utility facilities. The municipal authorities shall notify the owner or owners in writing by service upon his her their or its officers agent or representative of the time and place on the property of the owner or owners when they will take possession of the public utility facilities and will pay to the owner or owners the amount finally determined as the value of such facilities or the amount if any over and above the liens against the facilities to be acquired if such liens are to remain.

Nothing in this section shall be construed to prevent an agreement between the municipality and the owner or owners of such facilities for the payment of such value by installments.

Section 31 Payment of Money into Court Writ of Possession If the owner or owners shall upon tender of the proper amount refuse to accept the same and to surrender possession of the public utility facilities to the municipality the amount due shall be paid into the court of common pleas of the county in which the greater portion of the facilities to be acquired are located under such safeguards as the court may by its order require and the court shall upon application of the municipal authorities order a writ of habere facias possessionem to issue forthwith directing the sheriff to give the municipality possession of the said facilities.

Section 32 Financing and Indebtedness (a) For the purpose of financing the acquisition or construction of public utility facilities in accordance with the provisions of this act or the operation improvement or extension of

such facilities so acquired or constructed any municipality may

(1) Expend public moneys and in accordance with existing law incur or increase its indebtedness.

(2) Issue non-debt revenue bonds secured solely by a pledge in whole or in part of the rentals rates or charges for the service of such facilities. Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the rentals rates or charges for the services of such facilities.

Said bonds shall be sold and their dates of maturity and interest fixed in accordance with the existing law respecting bonds of such municipality.

(b) For the purpose of financing the acquisition or construction of any waterworks any municipality may issue obligations to be secured by liens on the property and works acquired or constructed in accordance with section fifteen article nine of the Constitution of this Commonwealth. Said obligations shall not pledge the credit nor create any debt nor be a charge against the general revenues of the municipality but shall be secured solely by such liens.

Said obligations shall be sold and their dates of maturity and interest fixed in accordance with existing law respecting obligation of such municipality.

Article III

Boards of Directors Optional

(a) Municipal Authorities shall Determine

Section 41 Municipal Authorities shall Determine Body to Manage and Operate Before the construction of any public utility facilities shall be completed or before any such public utility facilities shall be finally acquired by any municipality in accordance with the provisions of this act the municipal authorities shall determine whether they desire the management and operation of such facilities to be either under a bureau or department of such municipality or under the municipal authorities in such other manner as they provide or whether they desire the same to be under a board of directors.

If the municipal authorities shall determine that the management and operation of the public utility facilities are to be under a board of directors they shall incorporate the cause to be organized a board of directors to so manage and operate such facilities.

(b) Creation of Board of Directors

Section 42 Method of Incorporation Whenever the municipal authorities shall desire to organize a board of directors under this act they shall adopt a resolution or ordinance signifying their intention to do so and setting forth in full the proposed articles of incorporation for such board. Thereafter the municipal authorities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such municipality is located and at least one time in a newspaper published or circulated generally in such municipality. Said notice shall contain a brief statement of the substance of such articles making reference to this act and shall state that on a day certain not less than three days after publication of said notice articles of incorporation of the proposed board of directors will be delivered to the Secretary of the Commonwealth.

On or before the day specified in said notice the municipal authorities shall deliver to the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notices as aforesaid. Said articles of incorporation shall set forth

(a) The name of the board of directors

(b) A statement that such board is created under this act

(c) The name of the incorporating municipality together with the names and addresses of its municipal authorities

(d) A brief description of the public utility facilities

to be managed and operated by the board

(e) The date on which the election of the first members of the board is to be held and the number of directors to be elected

Said articles of incorporation shall be executed by each incorporating municipality by its proper officers and under its municipal seal

If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall forthwith but not prior to the day specified in the aforesaid notice endorse his approval thereon and when all proper fees and charges have been paid shall file the articles and issue a certificate of incorporation to which shall be attached a copy of the approved articles

The certificate of incorporation shall be conclusive evidence of the fact that such board has been incorporated but proceedings may be instituted by the Commonwealth to dissolve any board which shall have been formed without substantial compliance with the provisions of this section

Section 43 Election of Directors Upon the issuance of a certificate of incorporation of the board by the Secretary of the Commonwealth the municipal authorities shall give notice during at least thirty days by weekly advertisements in a newspaper published or circulated generally in said municipality and if no newspaper be published or circulated generally therein by at least twenty printed handbills posted in the most public parts thereof of an election to be held on a day to be by them fixed for the purpose of electing the members of boards to manage and operate the public utility facilities to be acquired or constructed

Section 44 Time of Election Expense Such election shall be held at the place time and under the same regulations as provided by law for the holding of municipal or general elections The municipal authorities shall in all cases fix the time of holding such election on the day of the municipal or of the general election unless less than sixty or more than one hundred twenty days elapse between the date of issuance of a certificate of incorporation and the day of holding the said municipal or general election If any other day be fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it shall be held

Section 45 Non-party Ballot Terms The members of the board of directors shall be qualified electors of the municipality creating said board and shall be elected on a non-party ballot Not less than three nor more than five directors shall be elected Not less than one nor more than two directors shall be elected for terms of two years each and not less than two nor more than three for terms of four years each and until their successors are duly elected and qualified

The members shall take office and assume their duties immediately upon the completion of the construction or the final acquisition of the public utility facilities to be managed and operated by the board but their terms shall run from the first Monday of January next succeeding such completion of construction or final acquisition Thereafter at the general or municipal election next preceding the expiration of the terms of the directors not less than one nor more than three directors as the case may be shall be elected for terms of four years each and until their successors are duly elected and qualified to take the place of those whose terms are about to expire Vacancies shall be filled by the municipal authorities for the unexpired term

Section 46 Nomination of Directors Nomination of candidates may be made on petitions the form of which shall be prescribed by the municipal authorities In order to secure a valid nomination a nomination petition shall be signed by electors equal in number to at least five per centum of the highest vote cast for any office in the municipality at the last preceding municipal or general election Such nomination petitions shall be filed with the municipal authorities at least thirty days before the election at which such nominees consent to become candidates If three directors are to be elected and less than

five petitions sufficiently signed are filed with the municipal authorities or if five directors are to be elected and less than seven petitions sufficiently signed are filed with the municipal authorities within the time herein specified the municipal authorities shall make additional nominations until the number of nominees is five or seven as the case may be and shall then certify such nominees including all of those whose petitions are sufficiently signed to the county commissioners at least twenty days before the election

Section 47 Conduct of Elections The county commissioners shall print the names of nominees for the board on separate official ballots without any party designation and shall furnish a sufficient number of such separate ballots to each election board in the municipality for which nominated so that one ballot can be furnished to each voter Each person voting at the election at which such persons are candidates shall be entitled to vote for three or five as the case may be of the candidates whose names appear on such ballot and the three or five as the case may be receiving the highest number of votes shall be elected The vote of an elector shall be indicated by a cross mark (X) in the square provided opposite the name of the candidate or candidates for whom he desires to vote

It shall be the duty of the inspectors of such election to receive such ballots and to deposit said ballots in a box provided for that purpose as is provided by law in regard to other ballots received at said election and the ballots so received shall be counted and a return thereof made to the clerk of the court of quarter sessions of the proper county duly certified as is required by law together with a certified copy of the articles of incorporation and the advertisement and the said clerk shall make a record of the same and furnish a certified copy thereof under seal showing the result to the municipal authorities of such municipality and the same shall be placed of record upon the minutes thereof

In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal or general elections and the vote shall be counted by the court of quarter sessions in the manner provided by law governing municipal or general elections and all the penalties of the said election laws for the violation thereof are hereby extended to and shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(c) Powers of Boards of Directors

Section 51 General Powers of Board Every board of directors created under the provisions of this act shall be a body corporate and politic and shall be for the purpose of managing and operating the public utility facilities acquired or constructed by the municipality creating the board Every board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

I To have succession perpetually by its corporate name
II To sue, and be sued implead and be impleaded complain and defend in all courts of the Commonwealth All actions by or against the board shall be brought in the court having jurisdiction over the municipality creating the board

III To adopt use and alter at will a corporate seal
IV To adopt by-laws to govern the proceedings of the directors and the affairs of the board to fix the time for regular meetings and to hold adjourned meetings and upon three days' written notice to each member of the board to hold a special meeting

V To appoint and employ and to dismiss at pleasure a secretary treasurer general manager attorney and such assistant attorneys superintendents experts operators workmen assistants stenographers clerks engineers surveyors laborers and employes as may be deemed necessary and proper to protect maintain improve and operate

the public utility facilities to fix their compensation to prescribe the amount and form of bond required of them and to approve the same

VI To maintain a principal business office which shall be conveniently located within the territorial limits of the municipality creating the board

VII To make and execute such contracts as shall be deemed necessary and proper in the exercise of the powers and privileges granted by this act and in the performance of the duties charged upon them No contract involving an expenditure of more than five hundred dollars (\$500) shall be let except to the lowest responsible bidder after due advertisement for bids

VIII To purchase such materials and supplies as may be required for keeping the public utility facilities under their management in good repair and have charge of all construction repairs enlargements and extensions of such facilities and to conduct and manage the affairs and business connected with such facilities in accordance with law

IX To designate and appoint a suitable and responsible depository or depositories for the deposit and safekeeping of the funds of the board and to contract with such depositories with respect thereto and the rate of interest to be paid the board on such deposits and to require such depositories to give bond for the safekeeping of deposits

X To furnish and render public utility service to the public and to any persons associations copartnerships municipal public or private corporations and to the Commonwealth or any subdivision or agency thereof Provided however That the rendering or furnishing of public utility service beyond the corporate limits of the municipality shall be subject to the approval and jurisdiction of the Pennsylvania Public Utility Commission

XI To sue and occupy any public highway street or road and private and public lands necessary to be used or occupied by the maintenance and operation of its public utility facilities or any part thereof subject however to such reasonable local police regulations as may be imposed by ordinance adopted by the municipal authorities of the municipality in which such highway street roads or land is located and subject to the approval of the Department of Highways of the Commonwealth as to any highways within its jurisdiction

XII To examine and act upon all claims against the board to require examine and approve or disapprove monthly reports of operation and recommendations by the general manager to require examine approve or disapprove periodical reports made by the secretary and to make an annual budget

XIII To do all acts and things necessary or convenient to carry out the power granted to it by this act or any other acts

XIV To connect with other public utility facilities with the consent of the owner or owners thereof Provided however That the board shall have no power at any time or in any manner to pledge the credit or taxing power of the municipality nor shall any of its obligations be deemed to be obligations of the municipality nor shall the municipality be liable for the payment of principal of or interest on such obligations

Section 52 Rates The board or the municipal authorities if there be no board shall fix rates for the public utility service which shall be sufficient to operate the public utility facilities in an efficient manner provide for the repair replacement and extension thereof pay the interest on any bonds or obligations issued by the municipality to finance the cost of constructing acquiring improving or operating such facilities and provide for their retirement and all other costs and expenses properly chargeable to the operation of such facilities But such plants shall at all times be operated for the mutual benefit of the inhabitants of the municipality

Section 53 Collection of Rates The municipal authorities of the municipality acquiring or constructing the public utility facilities shall provide by ordinance for the collection of all rates that may accrue fix the times when the same shall be payable and the penalties for nonpayment Claims for such rates due may be filed as liens and may be collected in the same manner as other municipal

claims All such rates shall be collected in such manner as the municipal authorities shall provide

Section 54 Annual Budget Surplus The board shall annually within ten days after the financial statement of the board has been filed with the municipal authorities by the auditor or controller as the case may be submit to the municipal authorities a budget for the ensuing year which shall include full estimates of the costs charges and expenses of any new work enlargement extension or alteration of the public utility facilities and no such work shall be undertaken or prosecuted without the consent of the municipal authorities

All surplus in the hands of the board and not required for operating expenses for expenses of any approved new work enlargement extension or alteration of the public utility facilities and for reasonable reserve shall be paid over by the board to the municipal authorities for the use of the municipality

(d) Officers of Boards of Directors

Section 61 Compensation of Directors Oaths Each director shall receive such salary as may be fixed by municipal authorities of the municipality creating such board Each member of the board before entering upon the duties of his office shall take and subscribe on oath before an officer authorized to administer oaths that he will honestly faithfully and impartially perform the duties of his office and that he will not be pecuniarily interested directly or indirectly in any contract concerning the business or affairs of the board Each member of the board shall also give bond to the Commonwealth for the use of the municipality in the penal sum of twenty-five thousand dollars (\$25,000) with corporate surety conditioned for the faithful an honest discharge of his duties The premium on such bonds shall be paid from the funds of the municipality The oath and bond shall be filed with the prothonotary of the court

Section 62 Organization of Board Quorum Seal Records The board shall upon assuming its duties and annually thereafter organize by the election of one of its members as chairman and one as vice-chairman and by electing a secretary who may or may not be a member of the board and a treasurer who may not be a member of the board The Secretary and treasurer shall take and subscribe the same oath of office as the directors which also shall be filed with the prothonotary of the court Three directors shall constitute a quorum to do business and the concurrence of three directors shall be required to exercise any power or perform any duty required by this act

The board shall keep a record of all its proceedings minutes of meetings certificates contracts and all corporate acts which shall be public records open to inspection during business hours The seal of the board shall be impressed on all contracts and official documents of the board

Section 63 Duties of Chairman and Vice-Chairman The principal duties of the chairman of the board of directors other than his duties as director shall be

I To preside at all meetings of the board

II To sign all resolutions adopted by the board

III To sign all warrants for the payment of moneys and to sign execute and acknowledge as the case may require all contracts deeds leases or other instruments authorized by the board to be executed by or on behalf of the board

In the absence of the chairman or in the case of his inability to act the vice-chairman shall perform the duties of the chairman

Section 64 Duties of Secretary The principal duties of the Secretary shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful performance of the duties of his office and the payment over and accounting of all moneys belonging to the board Such bond shall be filed with the prothonotary of the court

II To act as secretary of the board and keep a correct and proper record of all the business and proceedings thereof

III To record and sign all minutes of meetings of the board including all resolutions adopted by the board

IV To keep safely and systematically all records and files of the board and at the expiration of his term turn the same over to his successor

V To draw and countersign all orders and warrants for the payment of money by the treasurer to be signed by the chairman or vice-chairman

VI To keep safely the corporate seal of the board and to affix the same to all deeds leases conveyances or other instruments required to be sealed and executed by or on behalf of the board and to all certificates made by him as secretary

VII To sign execute and acknowledge with the chairman all contracts deeds leases and other instruments required by law or authorized by the board and

VIII To perform such other duties as may be imposed on him by law or by vote or resolution adopted by the board

Section 65 Duties of Treasurer The principal duties of the treasurer shall be

I To give bond to the Commonwealth for the use of the board in an amount to be fixed by the board conditioned for the faithful discharge of the duties of his office to keep a just account of all deposits and expenditures and to pay over the whole amount of the funds belonging to the board to his successor in office

II To demand receive keep and account for all moneys and credits of the board

III To pay to persons entitled thereto the amounts called for in orders or warrants drawn upon him by the secretary of the board signed by the chairman or vice-chairman and countersigned by the secretary and to keep receipts vouchers and other suitable evidences of payment thereof

IV To keep accurate account of all moneys received and disbursed by him and to render accounts statements and inventories of moneys and credits received or disbursed or on hand and

V Generally to perform such duties pertaining to his office as the board of directors may require

(e) Audits

Section 71 Duties of Municipal Controller or Auditors At least sixty days prior to the adoption by any municipality creating a board of its annual budget the controller or auditors of such municipality as the case may be shall audit adjust and settle the accounts of the officers and employees of the board

The controller or auditors shall prepare a statement thereof which shall contain an account of the last fiscal year and shall show a complete statement of the financial condition of the board

Section 72 Surcharges The amount of any balance or shortage or of any expenditure of a kind or made in a manner prohibited or not authorized by law which caused a financial loss to the board of the municipality shall be a surcharge against any officer against whom such balance or shortage appears or who by vote act or neglect has permitted or approved such expenditures

Section 73 Orders and Vouchers to be Marked "Audited" All orders and vouchers which have been paid shall on their presentation to the controller or auditors be cancelled by writing the word "audited" on the face thereof

Section 74 Controller or Auditors to Advertise and File Statement in Court The controller or auditors shall complete such audit adjustment and settlement as soon as possible and shall within ten days thereafter publish a summary statement of the receipts and expenditures of the several officers for the preceding year once in at least two newspapers circulating generally in the municipality The controller or auditors shall also within such period of ten days file a copy of the statement with the municipal authorities the secretary of the board and also with the prothonotary of the court which copy shall be at all times subject to public inspection A copy of such statement shall also be filed with the Secretary of Internal Affairs

Section 75 Appeals from Audit It shall be lawful for the board the municipal authorities or any taxpayer of the municipality on its behalf or any officer whose account is settled or audited to appeal from the settlement or audit

to the court within thirty days after the statement has been filed

Section 76 Taxpayers Appealing to Enter Bond No appeal by a taxpayer or officer shall be allowed unless the appellant shall enter into bond in the sum of five hundred dollars (\$500) with sufficient surety to prosecute the same with effect and to pay all costs accruing thereon in case if the appellant be a taxpayer he shall fail to obtain a final decision more favorable to the municipality than that awarded by the controller or auditors or in case if the appellant be an officer he shall fail to obtain a final decision more favorable to the officer than that awarded by the controller or auditors

Section 77 Taxpayers May Intervene in Appeals When an appeal has been taken from the report of the controller or auditors by the board by the municipal authorities or by any person charged in such report with any sum of money any taxpayer of the municipality may intervene in such appeal and either prosecute the same on its behalf or defend it against the appeal of the person so charged No taxpayer shall intervene unless he shall file in the court a bond with one or more sufficient sureties conditioned to indemnify the board against all costs accruing by reason of such intervention

Section 78. Procedure on Appeals Any person interested may order the appeal upon the argument list and evidence may be taken before any person authorized to administer oaths upon rule for that purpose served upon the opposite party In any proceeding upon an appeal from a report of the controller or auditors of any board the accounts of the officer or officers in question may be investigated de novo and the burden shall be upon each officer whose accounts are involved in the appeal of establishing by evidence from original sources his right to credits claimed by him but the opposing party in such appeal may use any facts figures or findings of the report of audit as prima facie evidence against any officer

When more than one appeal from a report of such controller or auditors shall have been taken whether by the municipality an officer or officers of the board or by a taxpayer of the municipality or any or all of them the court shall upon petition of any party interested direct the several appeals to be disposed of in a single proceeding

Section 79 Framed Issues Whenever any matter of fact is in dispute the court is authorized to frame an issue for the trial thereof

Section 80 Findings of Fact and Law Judgment After the hearing the court shall file its findings of fact and law and enter judgment in accordance therewith and the judgment so entered may be enforced by any appropriate proceedings by the party prevailing

Section 81 Exceptions and Appeals Any person interested may except to the ruling of the court and may appeal therefrom to the Superior or Supreme Court as in other cases

Section 82 Balances Due to be Entered as Judgment Any balance in any report of the controller or auditors against any officer of the board shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge and the amount of any balance and of any express surcharge shall be entered by the prothonotary as a judgment against such officer and in favor of the municipality The prothonotary shall enter the amount of every balance or surcharge contained in any such report as a judgment Any taxpayer of the municipality may enforce the collection thereof for the benefit of the municipality by action or execution upon filing in the court a bond with one or more sureties conditioned to indemnify the municipality from all costs which may accrue in the proceedings undertaken by such taxpayer subject however to all rights of appeal from the report of the controller or auditors granted by this act

Section 83 Attorney to Controller or Auditors The controller or auditors may employ an attorney in case of any disagreement with an official or board of officials whose accounts he is required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such

contemplated employment has been given to such official or board

The compensation of such attorney shall be fixed by the controller or auditors and shall not exceed the sum of twenty dollars (\$20) per day nor one hundred dollars (\$100) in any case in dispute except when an appeal is taken in which case the court shall fix an additional upon the treasurer

The compensation of such attorney shall be paid by the board by warrant drawn by the controller or auditors compensation

Section 84 Controller or Auditors may Compel Attendance of Witnesses The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust their executors and administrators and of any person whom he or they may wish to examine as witnesses and to compel their attendance by attachment in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them also to compel in like manner the production of all books vouchers and papers relative to such accounts Such subpoena may be served by any person and such attachment shall be served and executed by the sheriff of the county

Section 85 Controller or Auditors May Administer Oaths Penalty The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before him or them whether accountants witnesses or otherwise and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury

Section 86 Persons Refusing to Testify to be Committed If any person appearing before such controller or auditors for examination shall refuse to take such oath or affirmation or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him touching the accounts or the official conduct of such public officers or any of them such person so refusing may be committed by the controller or auditors to the county jail by warrant under his or their hand and seal directed to the sheriff or any constable of the county of the court setting forth particularly the cause of such commitment until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged

Section 87 Pay of Witnesses Witnesses other than officers of the board attending before the controller or auditors and persons or officers serving subpoenas attachments or warrants shall be paid out of the board's treasury upon orders signed by the controller or auditors and drawn on the treasury the same fees as are payable for rendering similar services in civil proceeding before a justice of the peace

(f) Powers of Municipalities

Section 88 Powers of Municipalities Operating Facilities Every municipality managing and operating public utility facilities acquired or constructed under the provisions of this act shall have all the powers and perform all the duties vested in boards and officers thereof under the provisions of this act

Section 89 Operation of Public Utility Facilities Every municipality acquiring or constructing public utility facilities under the provisions of this act may operate and manage such facilities through a board of directors organized and created as provided in this act or may operate and manage such facilities either under a bureau or department of such municipality or in such other manner as the municipal authorities may provide

Any municipality shall have the right to change from one system to the other upon the approval of such change by a majority of the electors of such municipality voting on a question submitted to determine the will of the electors in the manner provided by the election laws of this Commonwealth Such question shall be submitted upon petition signed by electors equal in number to at least ten per centum of the highest vote cast for any office in the municipality at the last preceding municipal or

general election and filed with the municipal authorities at least ninety days before the municipal or general election at which such question is to be submitted The municipal authorities shall file such question with the county commissioners of the proper county at least sixty days before such election

Article IV

Miscellaneous Provisions

Section 91 Saving Clause Nothing in this act shall be construed to abridge impair or limit the powers of cities boroughs and towns under existing laws nor the powers or jurisdiction of the Pennsylvania Public Utility Commission under existing or future laws

Section 92 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 93 Appeals Within thirty days after service of any determination of value by the Pennsylvania Public Utility Commission under this act unless an application for rehearing may be pending and then within thirty days after service of an order modifying rescinding amending or affirming such determination any party to the proceedings affected thereby may appeal therefrom to the Superior Court Such court is hereby clothed with exclusive jurisdiction throughout the Commonwealth for the purpose of hearing and determining all such appeals Provided That in case any party is entitled to demand a jury trial under section eight of articles sixteen of the Constitution of this Commonwealth the appeal shall be to the courts of the proper county thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. Moran, Heatherington and Shaffer asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—56

Baker,	Dolon,	Holland,	Polaski,
Balthaser,	Early,	Keenan,	Powers,
Baughner,	Elliott,	Leonard,	Rausch,
Bentley,	Flynn,	Lesko,	Reese, R. E.,
Bentzel,	French,	Longo,	Sarra,
Boles,	Gallagher,	Lovett,	Scanlon,
Bradley,	Gerard,	McDermott,	Shaffer,
Brown,	Gillan,	McFall,	Stine,
Burns,	Goodwin,	McLanahan,	Tarr,
Chervenak,	Hamilton,	Mooney,	Verona,
Cohen, M. M.,	Harkins,	Moran,	Vincent,
Cook,	Harmuth,	Moul,	Welsh, M. J.,
Corrigan,	Harris,	Nagel,	Williams,
Croop,	Heatherington,	Owens,	Woodring,
			Yester,

NAYS—90

Achterman,	Greenwood,	Lyons,	Royer,
Boorse,	Gross,	McClanaghan,	Serrill,
Bower,	Haines,	McClester,	Shepard,
Bretherick,	Hall,	McMillen,	Skale,
Brunner, C. H.,	Hare,	McSurdy,	Snyder,
Brunner, P. A.,	Helm,	Melchiorre,	Stambaugh,
Chudoff,	Hering,	Modell,	Tate,
Cochran,	Herman,	Monks,	Taylor,
Cohen, R. E.,	Hersch,	Muir,	Thompson, E. F.,
Cordier,	Hewitt,	Munley,	Trout,
Cullen,	Hirsch,	O'Brien,	Vogt,
Dalrymple,	Huntley,	O'Connor,	Voldow,
Dennison,	Imbrie,	O'Dare,	Wagner,
Eckels,	James,	O'Mullen,	Watkins,
Elder,	Jefferson,	Prosen,	Welsh, E. B.,
Ely,	Kenahan,	Readinger,	Wolf,
Finestone,	Kline,	Reagan,	Wood, L. H.,

Fisher,	Kolankiewicz,	Reese, D. P.,	Wood, N.,
Fiss,	Komorowski,	Rhea,	Woodside,
Fletcher,	Lelsey,	Riley,	Yeakel,
Foor,	Levy,	Rooney,	Young,
Gates,	Leydic,	Rose, S.,	Kilroy, Speaker
Gillette,	Lichtenwalter,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

(During the verification of the roll and before the affirmative result was announced.)

Mr. MORAN. Mr. Speaker, may I ask that the affirmative roll be called again, please?

The SPEAKER. The re-reading of the affirmative roll may only be done by unanimous consent.

Mr. MORAN. I ask unanimous consent, Mr. Speaker, to have the affirmative roll called again.

The SPEAKER. The gentleman from Allegheny asks unanimous consent to have the affirmative roll called again. Is there objection? The Chair hears objection and consent is not granted.

Mr. MORAN. Mr. Speaker, may I request that the rule be suspended so that we may have the affirmative roll called again on verification. I did not get a chance to record the names on the first calling of the roll and that is the reason I ask that it be repeated. I do not want to take up the time of the House in having this roll call read the second time, but I did not have a chance to get the names down as they were called. Therefore, I ask that the affirmative roll call be repeated.

The SPEAKER. For the information of the gentleman from Allegheny, the clerk called the roll very clearly. The chair directed him to do so at the request of the gentleman from Allegheny.

Mr. TURNER. Mr. Speaker, I did not make the original objection. The objection came from across the House. I arose because I was not in the House at the time the roll was called and I wanted to find what my position was. While I think it is unusual, I do not recall its ever having been done, the roll being read the second time, but since the gentleman requests it, as far as I am concerned, if the gentleman from Allegheny did not get an opportunity to check the roll he should be given that opportunity. I would therefore ask that the objection be withdrawn.

The SPEAKER. The Chair is of the opinion that the time of the House would be saved by re-reading the affirmative roll. One hundred five votes are required to suspend the rules. If the objection is withdrawn the clerk will be directed to read the affirmative roll slowly the second time. The Chair hears no objection. The Clerk will proceed to read the affirmative roll slowly.

QUESTION OF INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman from Delaware will state his question of inquiry.

Mr. TURNER. Mr. Speaker, do I understand that the clerk is now merely reading the affirmative roll?

The SPEAKER. Yes, for the second time.

Mr. TURNER. It has already been verified, has it not?

The Speaker. No, the roll has not been verified.

Mr. TURNER. Mr. Speaker, I would object to any re-verification of the roll, but if the gentleman merely wants information that would be all right

The SPEAKER. The roll has not been verified, the clerk will proceed.

QUESTION OF INFORMATION

Mr. YESTER. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. YESTER. Mr. Speaker, can the clerk give a copy of the roll to the gentleman from Allegheny, Mr. Moran?

The SPEAKER. That cannot be done. If the gentleman wants to use his own tally, he may do so. The Clerk will read the affirmative roll.

(The affirmative roll was read the second time and verified. The negative roll was verified.)

SPEAKER'S PICNIC

The SPEAKER. For the information of the Members the Speaker's picnic has not been called off. There will be indoor sports. The Chair would also like to invite the Legislative engineers to attend the picnic.

Mr. McLANAHAN. Mr. Speaker, I think that is where House Bill No. 1070 might be accommodating.

PERMISSION TO ADDRESS THE HOUSE

Mr. CHARLES H. BRUNNER, asked and obtained unanimous consent to address the House.

Mr. Speaker, in view of the fact that we are having a picnic this afternoon and in view of the fact that we will be confined indoors for the duration, I would like to make a motion that the provisions of the penal code be suspended for the duration of the Speaker's picnic.

The SPEAKER. They are suspended. The gentleman from Beaver, Mr. McLanahan objects.

Mr. McLANAHAN. Mr. Speaker, that is the cause of my bill being defeated.

The SPEAKER. The gentleman from Delaware has just told me he is an indoor sport.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 909, as follows:

An Act to further amend section three hundred three of and to add section three hundred seven of the act approved the twenty-fifth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by providing for the appointment of assistant managers in

Pennsylvania Liquor Stores and by establishing minimum salaries for certain employes of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred three of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last reenacted by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 303 Management of Pennsylvania Liquor Stores Every Pennsylvania Liquor Store shall be conducted by a person appointed in the manner provided in this article who shall be known as the "manager" and who shall under the directions of the board be responsible for carrying out the provisions of this act and the regulations adopted by the board under this act as far as they relate to the conduct of such stores If there is one or more than one employe subordinate to the manager in any Pennsylvania Liquor Store one of such subordinate employes shall be known as the "assistant manager" who shall be appointed in the manner provided in this article and who shall perform the functions of the manager in the absence of the latter

Section 2 Said act is hereby amended by adding thereto after section three hundred six a new section to read as follows

Section 307 Minimum Salaries of Certain Employes of Pennsylvania Liquor Stores The minimum salary for all "managers" shall be not less than eighteen hundred and sixty dollars per annum The minimum salary for all "assistant managers" shall be not less than sixteen hundred and twenty dollars per annum The minimum salary for all other employes handling stock or moneys shall be not less than thirteen hundred and eighty dollars per annum

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. FRENCH. Mr. Speaker, for the benefit—

Mr. SHEPARD. Mr. Speaker, I would like to know what time this picnic is to begin.

Mr. FRENCH. Mr. Speaker, we are not talking about picnics just now, we are considering House Bill 909. For the benefit of a lot of the Members, myself included, will you appoint some—

The SPEAKER. For the information of the gentleman from Mifflin, the gentleman from Philadelphia, Mr. Shepard thinks the picnic has started.

Mr. FRENCH. Mr. Speaker, will you please appoint some person here to explain just what this bill does and what it does not do so that we can intelligently vote on it?

The Speaker. The Chair recognizes the sponsor of the bill, the gentleman from Allegheny, Mr. Leonard.

Mr. LEONARD. Mr. Speaker, House Bill No. 909 provides for increasing and establishing definite minimums for employes of the Liquor Control Board employed in the stores.

I have a complete Survey on the subject matter consisting of three parts, which is self-explanatory in nature and the information contained in it gives the facts in the set-up in the System today.

In addition to the fact contained in the Survey I wish to further state that—

The three members of the Liquor Control Board receive \$10,000 each annually. It is their duty to oversee the entire administration of the industry in Pennsylvania through their various department heads.

The salary of the Secretary to the Board, has been increased from \$6,500 per year, received by his predecessor to \$7,500 per year or an increase of \$1000 per year. In addition he has an assistant who received \$6,000 annually which makes a total increase for this position of \$7,000 per year.

The salaries in these categories seem to compare with those received in other departments.

Personal policy. At a meeting between the Liquor Board and State, County & Municipal Workers of America in November, 1939, Mr. W. M. Cauffield, Director of Personnel, admitted that the Board had never had a classification of store personnel up to that time. No set policy had been adopted since that time. On the other hand, supervisors for the board whose duties cover the operation supervision of certain districted groupings of stores claim that there is a definite classification of employees and always had been one. They defend the Board's failure to fill existing vacancies on the ground that certain positions may be eliminated under a revised reclassification which has been pending since Mr. Frye was appointed Secretary more than eighteen months ago. As a result of this confused policy of personnel manipulation nobody knows just what to expect when vacancies exist.

All arguments that the State is unable to pay equitable salaries is based upon a fallacy, because the Legislature appropriates the Liquor Board's profits and not its receipts. At the present rate of sales, profits for the next biennium will exceed \$42,000,000, while the Governor has merely estimated \$36,000,000 in the budget submitted to the Legislature. In addition, I feel it unfair to ask one particular group of state employes to carry part of the relief load for the state by accepting less than their actual worth, while others in the department have received wage increases or at least have suffered no reductions.

I feel that the present House of Representatives does have an exceptional opportunity to correct the laxity and neglect which has been prevalent in the administration of Liquor Board Personnel policies by amending the Liquor Act so that basic salary minimums will be established for the operators in the stores, which includes the clerks, assistant managers, and managers. It is my opinion that the salaries of these employes, who have actively participated in making the Pennsylvania Liquor Control System the model for all systems, should be revised to allow these employees to at least receive a wage which approximates that required to maintain

an American standard of living. If salaries for the higher bracketed administrative employes can be adjusted upwards, why cannot the lower ones be similarly adjusted?

I make none of these points or observations with the purpose of attacking any particular individual, but purely from the point that a deplorable lack of consideration does exist in the matter of personnel administration, thereby preventing the employes from justly participating in the benefits they so richly deserve.

I have in my possession copies of letters addressed to the Honorable Governor Arthur H. James and the Honorable Joseph O'Brien, Chairman of the Committee on Liquor Control completely outlining the desires of the employes in the Pennsylvania Liquor stores in addition to the Survey which appears in three parts.

In a check up of other states I find that none pay less than Pennsylvania, therefore I ask the Members of the House to vote for House Bill 909.

Mr. FRENCH. Mr. Speaker, the speech I am going to make is going to be a very short one, but I would like to call to your attention a comparison between this bill and the one which was acted on not very long ago. I refer to the teachers' salaries in the fourth class school districts. These two things do not correspond, Mr. Speaker, with each other. I am only too sorry I am not able to discuss this thing in the way it should be discussed, but I hope somebody will follow me and discuss this question in the light in which it should be discussed. I know in my own heart and in my own opinion that the comparison is too wide-spread. We are very reluctant to raise the teachers' salaries for the fourth class districts, the people in whose charge and in whose hands it is to lay the foundation for the moral uplifting of the generation coming on. Very little consideration was given to them as far as salaries go. Now, we come along with a bill to raise the salaries of people who dispense liquor throughout the Commonwealth. It is not quite right, I do not think, in my opinion, to make the comparison. These people are getting a fair living wage, I would say larger than a good living wage, while the teachers have been, I might say, ignored entirely. They have been given a little measly raise in their salaries, but not enough to compensate them for the time and the money they have expended in getting an education to prepare themselves for the very important work of their jobs, that we have entrusted to their care. I am not talking against this bill. I want to make a comparison so that you men can see the job we in this House have done, which I think is an unfair comparison.

Mr. LEONARD. Mr. Speaker, I desire to interrogate the gentleman from Mifflin, Mr. French.

The SPEAKER. Will the gentleman permit himself to be interrogated?

Mr. FRENCH. I shall, Mr. Speaker.

Mr. LEONARD. Mr. Speaker, does the gentleman from Mifflin know what the liquor store clerk gets today?

Mr. FRENCH. Well, Mr. Speaker, I did know but I have practically forgotten. It is more in comparison with what they have to spend for equipping themselves for the job than what the teachers have to spend to equip themselves for their jobs, I know that. I think it is about \$21 a week.

Mr. LEONARD. Mr. Speaker, I thank the gentleman from Mifflin, Mr. French. There is no comparison between the employes of the liquor stores in the state of

Pennsylvania and the teachers. The teachers' salaries are paid out of the taxes of the people, while the liquor stores employes are paid out of profits made by the state on the sale of liquor by the state. I want to say for the benefit of the Members of the House that the average salary for the clerks is \$23 a week. Is that an American standard of living to be paid by the great Commonwealth of Pennsylvania? Personally, I do not think it is. Does anybody here have an idea what the duties of the clerks of these stores are? One minute they are sweeping the floor, in another minute they are unloading trucks or cleaning a window; in another minute they sweep the pavement, and in the next minute they are handling the cash, while other officers are out on some other duty. That is the responsibility of the clerks who get \$23 a week. If this were coming out of anything but the profits, there might be some argument against the bill. This has been a favorable bill from the time it was introduced in this House, this is the first objection, if you can call it that, that I have heard since the bill has been on the calendar. I, therefore, ask the Members of the House in the name of the state of Pennsylvania, to pay these employes a decent wage.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—165

Achterman,	Fiss,	Lovett,	Rose, S.
Allmond,	Fleming,	Lyons,	Royer,
Baker,	Flynn,	Malloy,	Rush,
Balthaser,	Gallagher,	Maxwell,	Sarge,
Baughner,	Gates,	McClanaghan,	Sarraf,
Bentlev,	Gerard,	McDermott,	Scanlon,
Bentzel,	Goodwin,	McDowell,	Schwab,
Boles,	Greenwood,	McFall,	Serrill,
Soney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Haines,	McLanahan,	Shaw,
Bower,	Hall,	McLane,	Shepard,
Bradley,	Hamilton,	McSurdy,	Simons,
Bretherick,	Hare,	Melchiorre,	Skale,
Brown,	Harkins,	Modell,	Stank,
Brunner, C. H.,	Harmuth,	Monks,	Stockham,
Brunner, P. A.,	Heatherington,	Mooney,	Tarr,
Burns,	Helm,	Moran,	Tate,
Cadwalader,	Hering,	Moul,	Taylor,
Chervenak,	Herman,	Muir,	Thompson, E. F.,
Chudoff,	Hersch,	Munley,	Trout,
Cochran,	Hirsch,	Nagel,	Turner,
Cohen, M. M.,	Holland,	Nunemacher,	Verona,
Cohen, R. E.,	Huntley,	O'Brien,	Vincent,
Cook,	Imbrie,	O'Connor,	Vogt,
Cooper,	James,	O'Dare,	Voldow,
Cordier,	Jefferson,	O'Mullen,	Watkins,
Corrigan,	Jones, P. N.,	O'Neill,	Weiss,
Croop,	Keenan,	Owens,	Welsh, E. B.,
Cullen,	Kenehan,	Petrosky,	Welsh, M. J.,
Dalrymple,	Kline,	Pettit,	Wilkinson,
Dennison,	Knoble,	Polaski,	Williams,
DiGenova,	Kolankiewicz,	Polen,	Winnier,
Dolon,	Komorowski,	Powers,	Wolf,
D'Ortona,	Krise,	Prosen,	Wood, L. H.,
Duffy,	Lee, T. H.,	Rausch,	Wood, N.,
Early,	Leonard,	Readinger,	Woodring,
Elder,	Lesko,	Reese, D. P.,	Woodside,
Elliott,	Levy,	Reese, R. E.,	Wright,
Ely,	Leydic,	Regan,	Yeakel,
Falkenstein,	Lichtenwalter,	Rhea,	Yester,
Finestone,	Longo,	Rooney,	Young,
Finnerty,			Kilroy, Speaker

NAYS—7

Burris,	Harris,	McClester,	Snyder,
French,	Hewitt,	McMillen,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1630, as follows:

An Act to further amend clause (b) of section two hundred and one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (b) of section two hundred and one of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(b) To control the manufacture possession sale consumption importation use transportation and delivery of liquor alcohol and malt or brewed beverages in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania liquor stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsaleable merchandise And provided further That in fixing maximum sales prices the board shall set such prices in the following manner (1) the board

shall compute the cost of such liquor to the board less all Federal taxes imposed on such liquors after January first one thousand nine hundred and forty-one (2) the board shall then add no more than fifty-five percentum of such cost to such figure and (3) the board shall then add to the figures obtained in clause (1) and (2) of this paragraph all Federal taxes on such liquors imposed after January first one thousand nine hundred and forty-one and this final sum shall represent the maximum sales prices of such liquors which shall be fixed by the board The board shall require each Pennsylvania manufacturer and each nonresident manufacturer of liquors other than wine selling such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the liquors for selling liquors manufactured in Pennsylvania and in the case of a nonresident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory or country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. O'BRIEN. Mr. Speaker, House Bill 1630, Printer's No. 806, you will notice has been amended since it first reached the calendar. There seem to be some objections on the part of certain Members of the House to the effect that it may disturb the budget. You will recall the bill subsequently was amended to start as of January, 1941. This bill is in keeping with the provisions of the added mark up on any anticipated Federal taxes. Quite a few of our state newspapers have carried stories to the effect that as a result of this tax upon a tax, we have been driving some of the citizens of this Commonwealth into other states for the purpose of purchasing liquor. This bill will not disturb in any way the budget, and all objections so far as that feature is concerned have been withdrawn.

Mr. TURNER. Mr. Speaker, I concur with the gentleman from Philadelphia, Mr. O'Brien. I have been worried for a considerable time. During the work of the Joint State Government Commission we had a number of meetings with the Liquor Control Board. When the Federal tax was put on the Liquor Control Board felt that because of the law in Pennsylvania they had to mark up by adding the Federal tax on the price, then making a fifty percent mark up on that price. I am convinced we are going to have a number of other taxes and with the increased price of liquor I feel that the state store returns are in danger of a diminishing return,

because when the price goes up the people won't buy because they will be driven to buy cheaper liquor or buy such things as gin or wine which are very much cheaper, and the profits thereon will not be in the Liquor Stores.

The gentleman from Monroe, Mr. Achterman, has told us he counts on a four million dollar increase in the next biennium in profits from the State Liquor Stores. If you are going to continue every time the Federal Government adds a tax because of certain conditions in the world today, to increase the price of liquor and mark up on top of that, you are going to drive the price to a point where you are going to encourage the bootlegger. In the second place you drive people into other states and bootleg into Pennsylvania for their own consumption. In the third place you are going to drive down the market. We in Pennsylvania have a very distinct stake, to the amount of about thirty million dollars that we get from the sale of liquor in State Liquor Stores which constitutes a very substantial part of our budget. Therefore it seems to me that if the Board feels that under our law they are compelled to add that to the price and then make their mark up on top of that, the bill before us is a timely bill and I think should be passed. There may be some question regarding the practical application but that can be easily worked out during the passage of this bill through the Legislature.

Mr. ACHTERMAN. Mr. Speaker, I wish to confirm the remarks of the gentleman from Philadelphia, Mr. O'Brien. The amendments to House Bill 1630 were inserted in the bill at my request and for the purpose of not disturbing the budget estimates which were submitted and which I presume were also arrived at by the administration in their figures.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Flynn,	McDowell,
Baker,	Foot,	McFall,
Balthaser,	Gallagher,	McGrath,
Baughner,	Gerard,	McIntosh,
Bentley,	Gillan,	McLanahan,
Bentzel,	Gillette,	McLane,
Boles,	Goodwin,	McMillen,
Boney,	Greenwood,	McSurdy,
Boorse,	Gross,	Melchiorre,
Bower,	Gryskewicz,	Modell,
Bradley,	Haberlen,	Monks,
Bretherick,	Hamilton,	Mooney,
Brown,	Hare,	Moran,
Brunner, C. H.,	Harkins,	Moul,
Brunner, P. A.,	Harmuth,	Muir,
Burns,	Harris,	Munley,
Burris,	Heatherington,	Nagel,
Cadwalader,	Helm,	Nunemacher,
Chervenak,	Hering,	O'Brien,
Chudoff,	Hirsch,	O'Connor,
Cochran,	Holland,	O'Dare,
Cohen, M. M.,	Jefferson,	O'Mullen,
Cohen, R. E.,	Jones, F. N.,	O'Neill,
Cook,	Keenan,	Owens,
Cooper,	Kenehan,	Petrosky,
Cordier,	Kline,	Pettitt,
Corrigan,	Kolankiewicz,	Polaski,
Croop,	Komorowski,	Polen,
Cullen,	Krisle,	Powers,
Dalrymple,	Lee, E. A.,	Prosen,
DiGenova,	Lee, T. H.,	Rank,
Dolan,	Leisey,	Rausch,
D'Ortona,	Leonard,	Readinger,
Duffy,	Lesko,	Reagan,
	Levy,	Reese, D. P.,

Early,	Leydic,	Reese, R. E.,
Elder,	Lichtenwalter,	Regan,
Elliott,	Longo,	Reynolds,
Ely,	Lovett,	Rhea,
Falkenstein,	Lyons,	Illey,
Finestone,	Malloy,	Rooney,
Finnerty,	Maxwell,	Rose, W. E.,
Fisher,	McClanaghan,	Rosenfeld,
Fleming,	McClester,	Royer,
Fletcher,	McDermott,	Rush,

NAYS—14

Dennison,	Habbyshaw,	Huntley,	Snyder,
F.,s,	Hall,	Imbrie,	Trout,
French,	Hersch,	Serrill,	Wood, N.,
Gates,	Hewitt,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1195, Printer's No. 688, was passed over at the request of Mr. McFALL.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No 1197, as follows:

An Act to amend sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" changing certain provisions relating to the incorporation of new boroughs and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more and for the organization of the government therein

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" are hereby amended to read as follows

Section 201 Towns [and] Villages and Certain Townships of the First Class May Be Incorporated The courts of quarter sessions may incorporate any town or village or any township of the first class having a population of eight thousand or more within their jurisdiction into a borough Every town or village and every such township of the first class so incorporated shall be a body corporate and politic by the name which shall be given by the court

Section 202 Applications for Incorporation The application for incorporation shall be in writing and shall be signed within three months immediately preceding its presentation to the court by a majority of the freeholders residing within the limits of the proposed borough either by a petition signed by a majority of the freeholders residing within the limits of the proposed borough which signatures must be secured within three months immediately preceding the presentation thereof to the court or by petition presented by the township commissioners of a township of the first class having a population of eight thousand or more in pursuance of a resolution duly adopted thereby a certified copy of which shall be presented to the court and filed with said petition

Section 204 Filing of Application Notice Decree Costs Upon presentation to the court the application shall be filed with the clerk and notice thereof shall be given in one newspaper in the county for a period of not less

than thirty days immediately before the next regular term following the filing thereof during which time exceptions may be filed to the application by any person interested. The court at said term if it shall find that the conditions prescribed by this article have been complied with may grant the prayer of the petitioners and make a decree accordingly but if the court shall deem further investigation necessary it may make such order thereon as to right and justice shall appertain. The application and decree shall be recorded in the recorder's office of the county at the expense of the applicants who shall also pay all other expenses and costs in connections therewith except in cases where the township commissioners of any township of the first class having a population of eight thousand or more shall have instituted such proceedings of their own motion all the costs and expenses of such proceedings or pertaining thereto shall be paid out of the general funds of the township.

Section 205 When Borough Government Becomes Effective When the application and decree have been recorded such part of a township or townships shall become an incorporated borough and shall be entitled to the several rights privileges and immunities conferred by this act subject however to the provisions of section two hundred eleven of this act as hereinafter amended.

Section 211 [First Election of Officers] The courts of quarter sessions shall fix the time and place of holding the first election in the borough designate a person to give notice of the election and the manner thereof and appoint from among the electors of the borough a judge and inspectors to hold the first election. The officers elected at such special election shall hold their office and their successors shall be elected and qualify as provided for in article eight of this act. Existing Government Preserved Temporarily Organization of Borough. The charters of the said town village or township of the first class or whatever powers of government apply thereto shall continue in full force and operation and all officers under the same shall hold their respective offices until the first Monday of January following the municipal election next succeeding the issuance of the final decree establishing such new borough at which time the officers of said borough chosen at the preceding municipal election shall enter upon their respective terms of service and the borough government shall be duly organized under this act.

Whenever in the organization of the borough government of any newly established borough any person is elected by council to any office for which this act provides a definite term and fixes a definite time for the election of persons thereto the persons so elected shall serve only for such time as intervenes between his election and the next ensuing day fixed by this act for the election of such officer.

Section 805 Elections Where Boroughs Created Whenever [in boroughs hereafter incorporated from a township or in boroughs hereafter formed by the division of a borough or in boroughs hereafter created by the detachment of territory a special election is ordered by the court for the election of borough officers the officers so elected shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are elected as provided in sections eight hundred and ten to eight hundred and fifty inclusive of this article and whenever a borough is incorporated from a township the borough officers shall be elected at the municipal election next succeeding the final decree incorporating such borough and shall enter upon their respective terms of service on the first Monday of January following such election. In each of the aforesaid cases the officers elected at the first municipal election following the creation of such borough and thereafter [such officers] shall be so elected that the time of their election and in the case of councilmen and auditors the number to be elected at any municipal election shall coincide with the time and number elected at such municipal elections by boroughs incorporated prior to the passage of this act.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Malloy,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarrafi,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baughner,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McLanahan,	Skale,
Bradley,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Muir,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Hering,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Brien,	Turner,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Van Allsburg,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dalrymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dolon,	Keenan,	Powers,	Weingartner,
D'Ortona,	Kenehan,	Prosen,	Weiss,
Duffy,	Kline,	Rank,	Welsh, E. B.,
Early,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Elder,	Komorowski,	Readinger,	Williams,
Elliot,	Krise,	Reagan,	Winner,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leisey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Fliss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Lichtenwalter,	Rose, W. E.,	Yester,
Flynn,	Longo,	Rosenfeld,	Young,
Foor,	Lovett,	Royer,	Kilroy, Speaker.
	Lyons,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1424, as follows:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade providing that the failure to stop shall not in itself constitute negligence or contributory negligence and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Whenever the driver of any vehicle approaches the crossing of a highway and a railroad or railway at grade such driver shall exercise the degree of care that an

ordinary prudent man would exercise under like circumstances

The failure of the driver of any vehicle to stop before entering upon the crossing shall not in itself constitute negligence or contributory negligence but the issue of negligence or contributory negligence in such case shall be a question of fact to be determined by the jury after weighing all the circumstances

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. JAMES. Mr. Speaker, my attention was drawn to this bill by its brevity. As I see it, this bill either packs a lot of dynamite or it is no good

I would like to ask the sponsor, Mr. Presley N. Jones, to give the House a brief idea what the bill would do.

Mr. PRESLEY N. JONES. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware, Mr. James, the bill is quite brief. Section one of the bill states as follows:

"Whenever the driver of any vehicle approaches the crossing of a highway and a railroad or railway at grade, such driver shall exercise a degree of care that an ordinary prudent man would exercise under like circumstances."

In other words, gentlemen, it deletes from what is known as the old Pennsylvania rule the word "stop." It has been shown by the very astute Justice Cordoza as being an utterly ridiculous law, in support of which I will refer you to U. S. Supreme Court 292, Page 98, Section 103, in which the Justice cites that fact.

It is idiotic to assume that a man would approach a crossing, disengage his gears, set his brakes, walk up to the tracks, look both ways, listen and turn his back on the track. We all know quite well should there be the slightest bend in that road, a quarter mile beyond the man's vision that a train traveling at the rate of thirty miles an hour would within the space of thirty seconds in the distance of a quarter of a mile be at that crossing. It is physically impossible for a man to turn his back on the track, return to his car, open the door, reseal himself, release his clutch, release his emergency brake and descend upon the crossing within thirty seconds. It is a very excellent bill, it is a fair bill, it is very brief and all that it does is to make it a matter for the jury to arrive at the decision. If I may continue, Mr. Speaker, after this bill is passed if a man does not stop at the crossing he is non-suited.

Mr. JAMES. Mr. Speaker, within the last five years a law was repealed about as brief as this one. It said that whenever two trains shall meet at any intersection or crossing of tracks neither train shall proceed until the other train has passed.

Mr. HEWITT. Mr. Speaker, Abe Martin said he could never figure out how a fellow could arrange his schedule to be there when a train came.

Mr. WOODRING. Mr. Speaker, I feel this is a very meritorious bill and should be given consideration by all the Members. I recommend it to their favorable consideration. I think it is streamlining the "Stop, Look and Listen Law" which has long ceased to be practical in this day and age of fast traveling on modern highways. I think it

will bring the law up to 1941. I think it is a good law and ought to be passed.

Mr. BENTLEY. Mr. Speaker, I ask leave to interrogate the sponsor of this bill, the gentleman from Lawrence, Mr. Jones.

The SPEAKER. Will the gentleman from Lawrence permit himself to be interrogated?

Mr. PRESLEY N. JONES. I shall, Mr. Speaker.

Mr. BENTLEY. Mr. Speaker, as I understand the present law it is mandatory for all buses to stop at railroad crossings before proceeding across. Will this bill, if enacted into law, have the effect of repealing that provision?

Mr. PRESLEY N. JONES. No, it would not, Mr. Speaker.

Mr. BENTLEY. Mr. Speaker, if it is a valid safety measure for a bus to stop before proceeding across a railroad crossing, is it not also equally valid as a safety measure for vehicles driven by persons other than bus drivers to also stop before proceeding across?

Mr. PRESLEY N. JONES. Mr. Speaker, I think the rule or regulation for buses to stop at grade crossings happens to be a regulation promulgated by the Public Utility Commission. As to the gentleman's question as to being valid, I think you will find that throughout the State our courts, the majority of them, adopt the rule that the traveler must look and listen, and the duty to stop depends upon the circumstances and hence, generally, even if not invariably, it is left to the judgement of the jury.

MR. TURNER IN THE CHAIR.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Messrs. TATE, CHUDOFF and VOLDOW asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—105

Achterman,	Finestone,	Lovett,	Readinger.
Allmond,	Finnerty,	Malloy,	Reese, R. E..
Baker,	Lynn,	McClanaghan,	Regan.
Balthaser,	French,	McDermott,	Rooney.
Baughner,	Gallagher,	McFall,	Rose, S..
Bentley,	Goodwin,	McIntosh,	Rose, W. E.,
Bentzel,	Gryskewicz,	McLanahan,	Rush,
Boney,	Haberlen,	McLane,	Schwab,
Bradley,	Harkins,	Melchiorre,	Shaffer,
Brown,	Harmuth,	Modell,	Shaw,
Brunner, P. A.,	Harris,	Monks,	Shepard,
Burns,	Teatherington,	Mooney,	Snyder,
Chervenak,	Herman,	Moran,	Sorg,
Chudoff,	Hersch,	Moul,	Stank,
Cohen, M. M.,	Hirsch,	Munley,	Stine,
Corrigan,	Holland,	Nunemacher,	Tarr,
Croop,	Jefferson,	O'Brien,	Tate.
Cullen,	Jones, P. N.,	O'Connor,	Thompson, E. F.,
Dalrymple,	Keenan,	O'Mullen,	Voldow.
DiGenova,	Kenehan,	O'Neill,	Voorhees,
Dolon,	Kolankiewicz,	Owens,	Weiss,
D'Ortona,	Komorowski,	Petrosky,	Williams,
Duffy,	Leonard,	Polaski,	Wolf,
Early,	Lesko,	Powers,	Woodring,
Eckels,	Levy,	Prosen,	Wright,
Elliott,	Longo,	Rausch,	Young,
Falkenstein,			

NAYS—58

Boles,	Haines,	Lichtenwalter,	Simons,
Boorse,	Hall,	McClester,	Stambaugh,
Bretherick,	Hamilton,	McDowell,	Stockham,
Brunner, C. H.,	Hare,	McSurdy,	Taylor,
Cadwalader,	Helm,	Muir,	Trout,
Cochran,	Hering,	Pettit,	Turner,
Cook,	Hewitt,	Polen,	Van Alisburg,
Cordier,	Huntley,	Rank,	Wagner,

Eider,
Fliss,
Fleming,
Gates,
Gerard,
Greenwood,
Habbysshaw,

Imbrie,
James,
Kline,
Knoble,
Krise,
Lelsey,
Leydic,

Reese, D. P.,
Rhea,
Riley,
Royer,
Sarge,
Serrill,

Watkins,
Wilkinson,
Winner,
Wood, N.,
Woodside,
Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. REUBEN E. COHEN asked and obtained permission for the Committee on Judiciary Special to meet during the session of the House.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, because of other matters that required my absence from the House at the opening this morning, I was not present when House Bill 771 was passed finally. I had intended to make some remarks on that bill. The members on this side of the House voted in favor of the bill merely because they felt the thing to do was to let it go to the other side, it would have to come back through a Conference Committee, if it is to be passed finally, and in order not to hold up the proceedings, they let it slide along. I feel, however I ought to make some statement on this bill and I am going to ask the indulgence of the House for a few moments while I do so.

The Unemployment Compensation Law of Pennsylvania requires civil service for employees in the Bureau of Employment and Unemployment Compensation.

The administrative costs are paid out of a fund provided by Congress and allocated by the Social Security Board. The fund is known as Pennsylvania Administration Fund.

The benefits paid to employees come from the Unemployment Compensation Fund created by taxes on employers in Pennsylvania.

All the costs of administration, that is, payment of salaries to employees and general expenses of the Bureau, are paid from the administrative fund by the Department, that is, the Secretary of Labor and Industry.

The Social Security Act as finally amended requires that civil service be provided for in order that the states may receive their share of the administration expenses; these monies go into the Administration Fund. Therefore, Pennsylvania with a civil service system, is safe in getting this money.

The Pennsylvania law provides for a system of requisitioning and accounting of the expenditure records in the Bureau of Employment and Unemployment Compensation as approved by the Department of Labor and Industry, the Treasurer and the Governor. In the prior administration, under Governor Earle, the appointment of such employees who were paid out of this Administration Fund by the Secretary of Labor and Industry, were permitted to be made by the State Treasurer and for some reason or other it was approved by the Secretary of Labor

and Industry, Mr. Bashore and Governor Earle. These appointments were made without civil service, although they are paid out of this administration fund by the Secretary of Labor and Industry, and it is approved and countenanced by the Social Security Board.

The Attorney General of Pennsylvania has ruled this is not proper because the act requires that all the employees of the Bureau of Employment and Unemployment Compensation paid out of this fund shall be under civil service. The Social Security Board is winking at that but they don't wink at the Health Department when only a small part of the money to pay Health Department employees comes from the Social Security Board.

You know, Mr. Speaker, in this administration the Secretary of Health is asking that certain employees of the Department be placed under civil service because the Social Security Board is demanding that those employees who are paid partly by general funds shall be under civil service, but in this instance in the Treasury, the employees under Unemployment Compensation, the board says nothing about it.

When House Bill 868 was introduced, which was supposed to be a bill in the interests of labor to give them benefit increases, the Democrats, when the bill was reported out of committee, ignored the fact that it was a labor bill and insert amendments to Sections 602 and 603 to freeze out of civil service over one hundred employees.

The Democrats are still worried about their political appointments, so when House Bill 771, came up for second reading in the House on Tuesday, May 27th, it was amended and the provisions which have been added to House Bill 868 and S. 80 (H. 1208) are now added to House Bill 771.

House Bill 771 is supposed to provide increases in salaries for the employees of the Bureau of Employment and Unemployment Compensation. The Democrats in the guise of slipping through this salary increase for "labor" puts in, for the third time, the provision for keeping this or a hundred or more political jobs. Where are the labor leaders—the leader of the C. I. O. and the A. F. L. State Employees Union, who bring drives here for extension of civil service and its protection. Are they politically minded or labor minded? Do they approve of what the Democrats do when labor is affected?

The Democrats are still a little worried that possibly the Social Security Board may finally be forced to take a consistent point of view and the Democrats are worried about these political jobs for their Democratic workers. They are also afraid that possibly this administration will insist that something be done immediately. The administration has been insisting, but it cannot get cooperation from the Social Security Board that those employees, even though they were permitted to be employed by the Treasurer, should be under civil service. They then take the clause which requires that the system of accounting, and so forth be approved by the Governor, the State Treasurer and the Secretary of Labor and Industry and place it under the control of the State Treasurer with the approval of the Social Security Board.

This is purely a camouflage because the Social Security Board has been winking at this arrangement and does not require that they be under civil service. One amendment would also make them State Treasurer employees and not employees of the Bureau of Employment and Unemployment Compensation who must be under civil service.

In other words, they are going to cut out the Governor

and the Secretary of Labor and Industry and put part of it in the Social Security Board down in Washington.

It seems to me this is a most unusual proceeding and it is merely a camouflage to hide a situation that is keeping one hundred employes out of civil service, who in all fairness and according to all the rules and regulations of the Social Security Board, as they have been insisting upon in all the departments,—they are winking at it, and I ask you therefore whether there is any honesty in that situation.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 687, as follows:

An Act to further amend the title and section one of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" as amended extending the provisions of the said act to counties of the sixth class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the title of the act approved the third day of May one thousand nine hundred and nine (P. L. 424) entitled "An act providing that in all counties having more than five hundred thousand inhabitants advertisements and notices required by law or rules of the court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspapers issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices" and section one of the said act as amended are hereby further amended to read as follows

An Act providing that in all counties [having more than five hundred thousand inhabitants] of the first second third fourth fifth and sixth class advertisements and notices required by law or rules of court to be published in newspapers of general circulation unless dispensed with by special order of court shall be published in the legal newspaper issued at least weekly of the proper county designated by rules of court for the publication of court or other legal notices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter in all counties of the first second third fourth [and] fifth and sixth class of the Commonwealth every notice or advertisement required by law or rules of court to be published in one or more newspapers of general circulation unless dispensed with by special order of court shall also be published in the legal newspaper issued at least weekly in said county designated by rules of court for the publication of court or other legal notices if such newspaper exists Publication in such legal newspaper shall be made as often as required to be made in such newspapers in general circulation and shall be subject to the same stipulations and regulations as those imposed for the like services upon all newspaper Provided That nothing herein contained shall be construed to require the publication in such legal newspapers of municipal ordinances mercantile appraisers' notice advertising for bids for contracts for public work or lists of delinquent taxpayers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Malloy,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarra,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baughner,	Gerard,	McClester,	Schwab,
Bentzel,	Gillan,	McDermott,	Serrill,
Bentley,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McLanahan,	Skale,
Bradley,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberen,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burriss,	Hermuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Muir,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Hering,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Brien,	Trout,
Cook,	Hewitt,	O'Connor,	Turner,
Cooper,	Hirsch,	O'Dare,	Van Allsburg,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	ogt,
Cullen,	James,	Fetrosky,	Voldow,
Dairymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dolon,	Keenan,	Powers,	Weingartner,
D'Ortona,	Kenehan,	Prosen,	Weise,
Duffy,	Kilne,	Rank,	Welsh, E. B.,
Early,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Elder,	Komorowski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winner,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Leisey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Fiss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Lichtenwaiter,	Rose, W. E.,	Yester,
Flynn,	Longo,	Rosenfeld,	Young,
For,	Lovett,	Royer,	Kilroy, Speaker.
	Lyons,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1328, as follows:

An Act to reenact and amend the title and the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 526) entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts" by including second class counties cities of the second class and institution districts within the provisions of the act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and section one of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P. L. 526) entitled "An act providing for and regulating joint purchases by counties (other than

counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts" are hereby amended to read as follows

An Act providing for and regulating joint purchases by counties (other than counties of the first [and second classes] class cities of the second and third class boroughs towns townships school districts institution districts and poor districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any county (other than a county of the first [or second] class) city of the second and third class borough town township school district institution district and poor district may jointly with other political subdivisions make purchases of materials supplies or equipment which such political subdivision may legally purchase and may enter into such agreements as may be deemed necessary to accomplish such purpose

Section 2 Sections two and three of said act are hereby reenacted to read as follows

Section 2 All such purchases involving the expenditure of over five hundred dollars (\$500) shall be in writing and shall be made only after notice by one of the political subdivisions joining therein once a week for two weeks in one or more newspapers of general circulation published in the political subdivision advertising the same All plans and specifications shall be placed on file by each of the political subdivisions joining in such purchase at least fifteen days in advance of opening bids

Section 3 It shall be the duty of the political subdivisions joining in such purchase to award the contract of purchase on competitive bids to the lowest responsible bidder Any published notice for bids shall contain full plans and specifications or refer to the places where copies thereof can be obtained and give the time and place of meeting of the representatives from the corporate authorities of the political subdivisions joining in such purchase for the purpose of opening bids At least one representative from each of the political subdivisions joining in such purchase shall be present at such meeting and such meeting may be adjourned from time to time on six days' notice of the same kind until the proper representation can be present

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Gallagher,	Maxwell,
Baker,	Gates,	McClanaghan,
Balthaser,	Gerard,	McClester,
Baughner,	Gillan,	McDermott,
Bentley,	Gillette,	McDowell,
Bentzel,	Goodwin,	McFall,
Boles,	Greenwood,	McGrath,
Boney,	Gross,	McIntosh,
Borse,	Gryskewicz,	McLanahan,
Bower,	Habbyshaw,	McLane,
Bradley,	Haberlen,	McMillen,
Bretherick,	Hall,	McSurdy,
Brown,	Hamilton,	Melchiorre,
Brunner, C. H.,	Hare,	Modell,
Brunner, P. A.,	Harkins,	Monks,
Burns,	Harmuth,	Mooney,
Burris,	Harris,	Moran,
Cadwalader,	Heatherington,	Mulr,
Chervenak,	Helm,	Munley,
Chudoff,	Hering,	Nagel,
Cochran,	Herman,	Nunemacher,
Cohen, M. M.,	Hersch,	O'Brien,
Cohen, R. E.,	Hewitt,	O'Connor,
Cook,	Hirsch,	O'Dare,

Cooper,	Holland,	O'Mullen,	VanAllsburg,
Cordier,	Huntley,	O'Neill,	Verona,
Corrigan,	Imbrie,	Owens,	Vincent,
Croop,	Jmes,	Petrosky,	Vogt,
Cullen,	Jefferson,	Pettit,	Voldow,
Dalrymple,	Jones, G. E.,	Polaski,	Voorhees,
Dannison,	Jones, P. N.,	Polen,	Wagner,
DiGenova,	Keenan,	Powers,	Watkins,
Dolon,	Kenehan,	Prosen,	Weingartner,
D'Ortona,	Kline,	Rank,	Weiss,
Duffy,	Kolankiewicz,	Rausch,	Welsh, E. B.,
Early,	Komorowski,	Readinger,	Welsh, M. J.,
Elder,	Krise,	Reagan,	Williams,
Elliott,	Lee, T. H.,	Reese, D. P.,	Winnner,
Ely,	Lee, A.,	Reese, R. E.,	Wolf,
Falkenstein,	Lelsey,	Regan,	Wood, L. H.,
Finestone,	Leonard,	Reynolds,	Wood, N.,
Finnerty,	Lesko,	Rhea,	Wood, J. G.,
Fisher,	Levy,	Riley,	Woodside,
Flas,	Leydic,	Rooney,	Wright,
Fleming,	Lichtenwalter,	Rose, W. E.,	Yeakel,
Fletcher,	Longo,	Rosenfeld,	Yester,
Flynn,	Lovett,	Royer,	Young,
For,	Lyons,	Rush,	Kilroy,
French,	Malloy,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1248, as follows:

An Act providing for proceedings by petition in non-support and desertion cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the remedies and procedure now provided by law in non-support and desertion cases any court of record having jurisdiction in such cases may proceed therein upon the petition of any person or persons concerned or of anyone in their behalf presented to the court and setting forth the facts of said desertion or failure to support and shall render judgment and afford relief in such cases with the same force and effect as though the proceeding had been by information and warrant as heretofore provided by law

Section 2 Upon presentation of such petition to said court the judge thereof shall fix the time for hearing the complaint and shall make an order to procure the attendance in court at the time so fixed of the person or persons against whom said petition has been filed and to that end may direct that notice by personal service of the time and nature of the hearing be given to said person or persons or may forthwith issue a warrant of arrest for the apprehension and detention of said person or persons and require said person or persons to enter into a recognizance with surety in an amount fixed by said judge conditioned for the appearance of said person or persons at the hearing in court upon said complaint

Section 3 If at the time of hearing the person or persons against whom the petition was made do not appear whether there be due proof of the service notice of the time and nature of the hearing upon him or them or not the court may issue a warrant of arrest or other appropriate process to procure the presence of said person or persons at an adjourned session of said court to which the hearing of the complaint may be continued

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. STOCKHAM. Mr. Speaker, this bill is a brief one. It is a new procedure possibly in the courts. It is designed to help save the expense particularly of some poor or helpless mother or other person in desertion, save the expense and time under the present procedure and allow action directly in the courts. I understand there is some opposition to this bill on the part of the justices of the peace. I think that it is without real foundation in fact because their opposition could not be sustained even in their own minds because this bill presumes to extend a helping hand to those that need help. The saving to persons proceeding under this act directly in court is not any great loss to the justices of the peace in any remuneration coming to them, but rather is helpful to the one who needs the help.

I would ask, Mr. Speaker, if I may yield the floor for any further discussion of the details, the legal details of this bill, to the gentleman from Allegheny, Mr. Homer Brown.

Mr. BROWN. Mr. Speaker, I don't know whether it is an honor to take the floor on a bill of this kind or not. However, I do appreciate the remarks of the gentleman from Bucks, Mr. Stockham. Because of the opposition to this bill I want to say to the Members of the House that this is a real attempt to save costs and to eliminate a procedure which is long outmoded in our state. We are following this procedure in Allegheny county and I think rather successfully. The old procedure, of course, in the beginning of a desertion or non-support case is to make an information, have a warrant issued for the arrest of the defendant, have a trial in a court of summary jurisdiction and then refer the case to a court of proper jurisdiction. In many cases of non-support there is absolutely no necessity for such procedure. In Allegheny County, in the County Court, which is the court that has jurisdiction over desertion and non-support cases, a notice is sent upon complaint made by the wife or by the party who is not being supported, as the case might be, and the defendant is asked to come in. That, it seems to me, is a very fair thing to do. There is no reason to commit a man to jail by information, holding him for court, and putting him to the expense of getting a bond, when the thing demanded is support. The procedure contradicts the remedy sought, because the man has to pay for his bond and wait until the case comes to trial before some minor judiciary or before a court of proper jurisdiction, and a lot of time is wasted and a lot of money is wasted. It does seem to me that this bill ought to be passed and sent to the Senate. I think the bill has merit and it is a real attempt to straighten out some of our criminal procedure, which, as every Member of this House knows, is long past due.

Mr. Speaker, I therefore highly recommend this bill to every Member of this House.

Mr. McLANAHAN. Mr. Speaker, this bill for non-support is a cruel bill which they are trying to introduce here. It drags the poor person from the far end of the county into court. They are attempting to tell the people that it is a saving of costs, which is not true. I hear dozens of these cases and they do not go to court. We do not put them under bond because they are not capable of giving a bond. We allow them to go to court on their own recognizance. This is nothing but a lawyer's bill, that is all it is, and it attempts to drive a lot of people into court. I say to the gentlemen of this House that

this is a nonsensical bill and I ask the Members of the House to vote against it for the benefit of the poor devil who cannot find money to go to the court house.

Mr. SHEPARD. Mr. Speaker, of course it is very desirable to give help to those in non-support cases and in desertion cases, in which the husband walks out on his family or something of that sort. It seems to me that the magistrates' courts and the justices of the peace are closer to the people and in many cases they can settle these family differences and disturbances without having to send a person to court where he will have a record made against him, and all that sort of thing. The magistrates' courts very often settle this kind of family difference. While most of us try to be good husbands, we do not facilitate or make it any easier for wives to come into court every time there is a family difference. That is what happens in many cases. I might say that we husbands have enough hammers over our heads now. In addition to that we do not want them to put the whole court house on top of us. Any time a husband and wife have a dispute at the breakfast table, by the time dinner is served we may be in court, but if this case is allowed to go to the magistrate's court, very often he can straighten out these differences without all of that court procedure.

Mr. Speaker, I am opposed to this bill and I ask the members of the House, in the interest of tranquility and peace in family life to prevent unnecessary cluttering up of the courts with domestic difficulties to vote down this bill and allow the differences to be settled by the magistrates and justices of the peace. Those people are much closer to the family unit and can serve a very definite purpose in that respect.

Mr. BROWN. Mr. Speaker, I do not like to engage in any controversy with my colleague of many years, the minister from Philadelphia, Rev. Shepard. However, if the Reverend will confine himself to the pulpit and not to the law, I think he would be more accurate. When a minister attempts to tell us how to keep people out of jail he necessarily gets into trouble. The gentleman from Philadelphia speaks of the hammer over his head. That is just what we are doing in this particular bill, we are relieving him from having a hammer over his head. If he is personally concerned, and I imagine he is, as he seems to be very strong in his denunciation of this bill—I don't know much about his private life in that connection, but if the gentleman is interested I want to assure him this bill will take the hammer from off his head.

In answer to the gentleman from Beaver, Mr. McLanahan, my very good friend, I want to assure him that this bill will take nothing away from the magistrates or justices of the peace. They have no jurisdiction now in desertion and non-support cases. The cases must go to court. They cannot enter judgment in cases of desertion or non-support, they can only act as committing magistrates and that is a thing that we want to obviate. The only thing a justice of the peace or magistrate can do is to receive the information, issue a warrant for the man's arrest and release him on bail. The gentleman from Beaver said he does not do it and, therefore, if he does not do it he should not be against this bill because it does not hurt him.

Mr. Speaker, I say to my friend, the minister from Philadelphia, that this bill will help to administer justice

in a way that justice should be administered, and I do earnestly ask the Members of this House to vote for the bill.

As a lawyer I want to assure you that the lawyers are not interested in this bill. Very few, if any of them, practice in desertion and non-support court. I do not believe that anyone will be hurt, and that the procedure of the law will be made more easy and justice will be obtained by the passage of this bill.

Mr. REUBEN E. COHEN. Mr. Speaker, may I say for purpose of the record that the procedure in Allegheny county is quite similar to the procedure now followed in Philadelphia. Desertion and non-support cases in Philadelphia are taken to the Municipal Courts where a conference is arranged between the parties. If the parties cannot agree upon a proper amount, the matter is taken up by the judge, and a determination is made of the ability of the husband to pay. There is no question of any politics in the bill. I think the procedure outlined here, if extended throughout the Commonwealth of Pennsylvania, would be a helpful thing instead of a hurtful thing.

Mr. O'BRIEN. Mr. Speaker, I am wondering if it would be in order to have Squire McLane from Luzerne County, who is a Justice of the Peace, explain this bill.

Mr. McLANE. Mr. Speaker, the gentleman is out of order.

Mr. McLANAHAN. Mr. Speaker, these cases do not have to go to court. The cases are usually settled in the offices of the Justice of the Peace. We in our district continue these cases indefinitely until we have an adjustment. There is only about one in a hundred cases that we do send to court. We are successful along that line and we save many dollars, where otherwise by going into court there are many dollars lost and there is a loss of time and loss of wages by running into court with this type of case. I don't see any sense in going into court where people have to go from a long distance, and maybe have to lay around the court for a day or two before they can be heard. It is not a matter here of saving the client's money; that is all bosh. It is a matter of somebody getting a fee for representing that client. I say this is a cruel bill to the underpaid people of this country and I hope that the gentlemen of this House will defeat this bill. I thank you.

Mr. SHEPARD. I desire to interrogate the sponsor of this bill the gentleman from Bucks, Mr. Stockham.

The SPEAKER. Will the gentleman from Bucks permit himself to be interrogated?

Mr. STOCKHAM. I shall, Mr. Speaker.

Mr. SHEPARD. Mr. Speaker, I would like to ask the gentleman from Bucks, Mr. Stockham, since it has been admitted here on the floor of the House that this procedure is already followed in Allegheny and Philadelphia Counties, and since the Squire said they settled these differences in their offices in the rural districts, why do we need this bill? It will force the people in the country districts to journey to the county seats when they can settle their differences in a Justice of the Peace court and save a lot of money and time. I would like to know why this bill is necessary since the procedure is already followed in the principal counties.

Mr. STOCKHAM. Mr. Speaker, the remedies that are had and the statements that have been made on the floor today are perfectly plain. Mr. McLanahan from

Beaver has admitted his position. He has attacked the question of fees. May I direct your attention, Mr. Speaker, to the fact that Justices of the Peace collect fees for his work. And may I furthermore set forth that this is an additional remedy. I would commend what the gentleman from Beaver does and the method which he pursues in his court in adjusting cases. I would direct your attention to what Mr. Brown has pointed out to you, the relationship of the law—it is an additional remedy. It does not take away from the Justice of the Peace those rights that he has, as I understand it. I would say further, being interested as I have been for years in social service, that this thought came from no less a jurist than Judge Shaeffer of Berks County, who stands out as an authority on proceedings as relating to the welfare of the people of the Commonwealth.

Mr. BRETHERICK. Mr. Speaker, in answer to the Squire from Beaver County and the Minister from Philadelphia County, they both seem to have lost sight of the fact that as a matter of fact this bill provides an additional remedy to the procedure now provided by law. This is not restricted in any sense; they still can go to the Magistrate or to a Justice of the Peace. This is just an additional remedy which is afforded to a person illy able to afford the expense involved in proceedings before a Justice of the Peace. I think the J. P.'s in this House have had no better friend so far as legislation is concerned than I. But I think this is a good piece of legislation and the Members of the House ought to vote for it, in view of the fact that it provides an addition to the remedy and procedure now provided by law.

Mr. ECKLES. Mr. Speaker, I have no desire to prolong this debate but I think perhaps I can clarify it a little bit by citing an instance in which this act will be beneficial.

We have noticed in the past few years a great many cases wherein aged parents have brought prosecution against their children for non-support. That has come about by reason of the fact that the relief authorities in certain instances hold or believe that the children of certain relief recipients are able to contribute to the support of their parents. The old person on relief is faced with the choice of either bringing a criminal prosecution against his son, his child, or foregoing his relief. A great many of those cases are pitiable because the parent does not want to have his child arrested or thrown into jail. Yet, there has got to be an adjudication in court as to whether or not the child is able to support and should support his parents. I think this is a very fine thing and instead of bringing a prosecution of that kind, a petition could be presented to the court and the court could make an adjudication. If the court decides that the parent is not responsible the relief authorities can grant him relief, and if the court decides he is responsible they can make an order.

Mr. McFALL. Mr. Speaker, I rise in opposition to this bill and in support of the forgotten man of the law, the Justice of the Peace. I have a letter here which I received from one of them. The letter speaks of the bill and the thoughts that are in the minds of the Justices of the Peace all over the state of Pennsylvania. He addresses me as "My dear Senator." He is a couple of years out of the way, I guess, there. The letter reads as follows:

"Beg to call your attention to House Bill 1453,

showing that the lawyers are working again. I trust you will fight this bill with both feet.

"I would suggest you introduce a bill preventing any more lawyers from being admitted to the Bar, so that those who now are members of the Bar can make a living without trying to take away from us what little is left.

"I know you will do your part."

Mr. Speaker, I do not know whether this man intended me to kick the lawyers in the shins or whether to jump on them with both feet. I have passed the days for that kind of warfare. I wish to say on behalf of the Justices of the Peace, that I have talked with many of them in my county about the cases that come before them and many of those cases are settled without going to court. Various couples come into the office of the Justice of the Peace mad at one another, with fire in their eyes, and after talking things over a while they come down the steps arm in arm, and when nobody is looking at them they kiss each other and they go home and start all over. You are not going to do that if these cases are allowed to go to court, because after they get rid of court procedure down there both of them will have to walk home. So, Mr. Speaker and Members of the House, I think we should give some thought to this forgotten man of the law, the Justice of the Peace, and give him a square deal and vote this bill down.

Mr. REAGAN. Mr. Speaker, I have listened to the discussion so far and I do not know which is right, the lawyers or the Justices of Peace, but it was brought home forcibly to us the other day that a Member who is interested in any bill before the House should retire. In that case I suggest that the lawyers and the justices of the peace—and also the ministers—although I don't know how they are mixed up in it, but they seem to be, retire and let the laity decide this question.

The SPEAKER. We cannot decide any question without a quorum.

Mr. WOODSIDE. Mr. Speaker, I was going to suggest that perhaps all the married men would likely be interested, and perhaps they had better retire too.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 32

Achterman,	Gross,	McIntosh,	Skale,
Bentzel,	Habbyhaw,	Modell,	Sorg,
Bretherick,	Hall,	Monks,	Stine,
Brown,	Harkins,	Muir,	Stockham,
Brunner, C. H.,	Harris,	O'Connor,	Voldow,
Dennison,	Hering,	Reese, D. P.,	Voorhees,
Duffy,	Herman,	Rose, S.,	Welsh, E. B.,
Fletcher,	Imbrie,	Rose, W. E.,	Kilroy,
		Serrill,	Speaker.

NAYS 98

Allmond,	Gallagher,	Malloy,	Readinger,
Baker,	Gates,	Maxwell,	Reese, R. E.,
Balthaser,	Goodwin,	McClester,	Regan,
Bentley,	Haines,	McDermott,	Royer,
Boles,	Hamilton,	McFall,	Sarra,
Boorse,	Hare,	McLanahan,	Scanlon,
Bower,	Harmuth,	McLane,	Shaffer,
Bradley,	Heatherington,	McMillen,	Shepard,
Brunner, P. A.,	Hersch,	McSurdy,	Snyder,
Burns,	Hewitt,	Melchiorre,	Stank,
Burris,	Hirsch,	Mooney,	Tarr,
Chervenak,	Holland,	Moran,	Taylor,
Cochran,	Jefferson,	Moul,	Trout,
Cohen, M. M.,	Jones, F. N.,	Nunemacher,	Van Allsburg,

Cordier,	Keenan,	O'Brien,	Vincent,
Corrigan,	Kline,	O'Mullen,	Vogt,
Cullen,	Kolankiewicz,	Owens,	Wagner,
Dalrymple,	Komoroiski,	Petrosky,	Watkins,
DiGenova,	Krise,	Pettit,	Welse,
D'Ortona,	Lesko,	Polaski,	Welsh, M. J.,
Early,	Levy,	Polen,	Wolf,
Finestone,	Lichtenwalter,	Powers,	Wright,
Finnerty,	Longo,	Prosen,	Yester,
Fiss,	Lovett,	Rausch,	Young,
Flynn,	Lyons,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. BENTLEY asked and obtained permission for the Committee on Cities-Second Class to meet during the session of the House.

Mr. O'BRIEN asked and obtained permission for the Committee on Liquor Control to meet during the session of the House.

SENATE MESSAGES

AMENDED BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL NO. 270.

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class; and amending, revising consolidating, and changing the law relating thereto," by authorizing such townships to regulate the use of certain parks and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 10, by striking out after the word "grounds" the words "conducted by any public or charitable organization" and inserting in lieu thereof the following: "owned and operated by charitable organizations for the use of the public without charge"; also in line 13, by striking out after the word "therewith" the following: "and upon violation of any such rules when prominently posted at conspicuous places in such parks or recreational grounds to collect from any person violating the same a penalty of not less than two or more than ten dollars for each such violation by summary proceedings before any justice of the peace alderman or magistrate of the county in which said park or recreational grounds is situated" and inserting in lieu thereof the following: "and to make any violation of such rules when posted at conspicuous places in such parks or recreational grounds punishable in a summary proceedings before any justice of the peace alderman or magistrate of the county by the payment of costs of prosecution and a fine of not less than two dollars (\$2.00) or more than ten dollars (\$10.00) and in default of the payment thereof imprisonment in the jail of the county for a period not exceeding five (5) days."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Malloy,	Sarge,
Baker,	Gallagher,	Maxwell,	Sarra,
Balthaser,	Gates,	McClanaghan,	Scanlon,
Baughner,	Gerard,	McClester,	Schwab,
Bentley,	Gillan,	McDermott,	Serrill,
Bentzel,	Gillette,	McDowell,	Shaffer,
Boles,	Goodwin,	McFall,	Shaw,
Boney,	Greenwood,	McGrath,	Shepard,
Boorse,	Gross,	McIntosh,	Simons,
Bower,	Gryskewicz,	McLanahan,	Skale,
Bradley,	Habbyshaw,	McLane,	Stambaugh,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stank,
Burns,	Harkins,	Monks,	Stine,
Burris,	Harmuth,	Mooney,	Stockham,
Cadwalader,	Harris,	Moran,	Tarr,
Chervenak,	Heatherington,	Muir,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Hering,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Brien,	Trout,
Cook,	Hewitt,	O'Connor,	Turner,
Cooper,	Hirsch,	O'Dare,	Van Alisburg,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dalrymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dolon,	Keenan,	Powers,	Weingartner,
D'Ortona,	Kenehan,	Prosen,	Wells,
Duffy,	Kilne,	Rank,	Welsh, E. B.,
Early,	Kolankiewicz,	Rausch,	Welsh, M. J.,
Elder,	Komorowski,	Readinger,	Williams,
Elliott,	Krise,	Reagan,	Winner,
Ely,	Lee, E. A.,	Reese, D. P.,	Wolf,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wood, L. H.,
Finestone,	Lelsey,	Regan,	Wood, N.,
Finnerty,	Leonard,	Reynolds,	Woodring,
Fisher,	Lesko,	Rhea,	Woodside,
Fiss,	Levy,	Riley,	Wright,
Fleming,	Leydic,	Rooney,	Yeakel,
Fletcher,	Lichtenwalter,	Rose, W. E.,	Yester,
Flynn,	Longo,	Rosenfeld,	Young,
For,	Lovett,	Royer,	
	Lyons,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 218.

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regu-

lating the sale manufacture and transportation of insecticides and fungicides

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 11, by inserting after the word "sale" the words "possession for sale and"; also line 12, by striking out the words "and transportation".

Amend Section 2, page 2, lines 25 to 28 inclusive, by striking out after the letter "(b)" the following:

"That it shall be unlawful to sell or offer for sale manufacture or transport within the Commonwealth any insecticide or fungicide so colored that the said fungicide can be confused with or resemble closely"; also on page 3, by striking out all of lines 1 and 2 as follows: "flour baking soda salt pepper or any other common kitchen and household condiment" and inserting in lieu thereof the following:

"That it shall be unlawful to manufacture sell offer to sell or possess for sale within the Commonwealth any white powdered insecticide or fungicide highly toxic to man unless insecticide or fungicide is distinctly colored

"Section 3 This act shall become effective on the first day of January one thousand nine hundred forty-two."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	French,	Malloy,	Rush,
Baker,	Gallagher,	Maxwell,	Sarge,
Balthaser,	Gates,	McClanaghan,	Sarra,
Baughner,	Gerard,	McClester,	Scanlon,
Bentley,	Gillan,	McDermott,	Schwab,
Bentzel,	Gillette,	McDowell,	Serrill,
Boles,	Goodwin,	McFall,	Shaffer,
Boney,	Greenwood,	McGrath,	Shaw,
Boorse,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McLanahan,	Simons,
Bradley,	Habbyshaw,	McLane,	Skale,
Bretherick,	Haberlen,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Modell,	Stambaugh,
Burns,	Harkins,	Monks,	Stank,
Burris,	Harmuth,	Mooney,	Stine,
Cadwalader,	Harris,	Moran,	Stockham,
Chervenak,	Heatherington,	Muir,	Tarr,
Chudoff,	Helm,	Munley,	Tate,
Cochran,	Hering,	Nagel,	Taylor,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	O'Brien,	Thompson, R. L.,
Cook,	Hewitt,	O'Connor,	Trout,
Cooper,	Hirsch,	O'Dare,	Turner,
Cordier,	Holland,	O'Mullen,	Van Alisburg,
Corrigan,	Huntley,	O'Neill,	Verona,
Croop,	Imbrie,	Owens,	Vincent,
Cullen,	James,	Petrosky,	Vogt,
Dalrymple,	Jefferson,	Pettit,	Voldow,
Dennison,	Jones, G. E.,	Polaski,	Voorhees,
DiGenova,	Jones, P. N.,	Polen,	Wagner,
Dolon,	Keenan,	Powers,	Watkins,
D'Ortona,	Kenehan,	Prosen,	Weingartner,
Duffy,	Kilne,	Rank,	Wells,
Early,	Kolankiewicz,	Rausch,	Welsh, E. B.,
Elder,	Komorowski,	Readinger,	Welsh, M. J.,
Elliott,	Krise,	Reagan,	Williams,
Ely,	Lee, E. A.,	Reese, D. P.,	Winner,
Falkenstein,	Lee, T. H.,	Reese, R. E.,	Wolf,
Finestone,	Lelsey,	Regan,	Wood, L. H.,
Finnerty,	Leonard,	Reynolds,	Wood, N.,
Fisher,	Lesko,	Rhea,	Woodring,
Fiss,	Levy,	Riley,	Woodside,
Fleming,	Leydic,	Rooney,	Wright,
Fletcher,	Lichtenwalter,	Rose, W. E.,	Yeakel,
Flynn,	Longo,	Rosenfeld,	Yester,
For,	Lovett,	Royer,	Young,
	Lyons,		Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL NO. 404.

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 4, page 3, line 27, by striking out the words "notary public."

Amend Section 6, page 7, line 12, by striking out the words "notary public"; also same page, line 29, by striking out the words "notary public"; also page 8, line 12, by striking out the words "notary public"; also same page, lines 23 and 24, by striking out the words "notaries public."

Amend Section 13, page 14, line 14, by striking out the heavy-faced bracket before the word "Marriages"; also same page, line 15, by striking out the heavy-faced bracket after the letter "(a)"; also same page, line 19, by striking out the heavy-faced bracket before the letter "(b)"; also same page, at the end of line 29, by striking out the heavy-faced bracket after the word "or"; also page 15, at the beginning of line 1, by striking out the heavy-faced bracket before the word "either"; also same page, at the beginning of line 3, by inserting a heavy-faced bracket before the numeral "(2)".

Amend Section 16, page 16, at the end of line 15, by striking out "Eighteen" and inserting in lieu thereof the word "eighteen".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the House nonconcur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 124.

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction up-

on courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handlers" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

THE SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 3, line 1, by inserting after the word "purchase" the following: "authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers employees and agents to administer oath providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearing and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses or the right to apply for a license or for refusal to transfer licenses stating the effect of service by registered mail when the addressee refuses to accept or receive such mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers increasing the scope of regulation of subdealers making certain information available to cooperatives and producers' group clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of providing invalidity or partial invalidity of any order defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf

of them"; also in line 2, by inserting after the word "to" the words "cooperatives and"; also in line 3, by striking out after the syllable "tions" the word "producing" and inserting in lieu thereof "of producers"; also in same line by inserting after the word "milk" the words "further regulating and imposing duties on milk dealers or handlers"; also in line 4, by inserting after the word "governor" the following "prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies."

Amend Section 1, Page 5, line 4, by inserting after the word "hearings" the words "by the commission or special agents or examiners"; also in line 9, by inserting after the word "adopt" the words "publish and serve"; also in same line, by inserting after the word "orders" the words "and prescribing the effect thereof"; also in line 10, by inserting after the word "compacts" the words "providing for the competency of certain statistical testimony and data"; also in line 17, by inserting after the word "handlers" the words "and to photograph photostat mark or stamp for identification books and papers examined"; also on page 6, line 18, by inserting after the word "Consumer" light faced brackets before and after the word "mean" and inserting the word "means"; also in same line by inserting after the word "person" the words "natural corporate or governmental"; also in line 19, by striking out after the word "for" the words "his own"; also in same line by inserting after the word "use" the words "by himself or others "Cooperative" means a cooperative agricultural association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein"; also on page 6, by striking out beginning with line 26 the following:

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers' association of producers or other handlers who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others"; also on page 8, by inserting after the word "dealer" the words "or handlers"; also in line 7, by inserting after the word "subdealer" the words "or subhandlers"; also by inserting after the word "purchases" the words "or receives"; also in line 8, by inserting after the word "handles" the word "on consignment or otherwise"; also in line 10, by inserting after the word "Commonwealth" the words "whether on behalf of himself or others or both"; also in line 11, by inserting after the word "dealer" the words "or handler"; also by inserting after the word "dealer" the following: "or handler ["; also in line 18, by inserting after the syllable "poration" the following: "] If a cooperative"; also in same line by inserting after the word "distributes" the words "or makes available on consignment or otherwise"; also in

line 20, by inserting after the word "dealer" the words "or handler"; also in line 22, by inserting a light faced bracket before the word "And"; also in line 23, by inserting a light faced bracket after the word "That"; also in same line by inserting a light faced bracket before the word "agricultural"; also in line 24, by inserting a light faced bracket after the syllable "poration"; also in line 26, by inserting after the word "sell" the words "or make available on consignment or otherwise"; also in line 27, by inserting after the word "dealers" the word "handlers"; also on page 9, line 15, by striking out after the word "he" the word "acquired" and inserting in lieu thereof the words "purchased or acquired"; also in line 21, by striking out after the word "article" the word "of" and inserting in lieu thereof the word "or"; also on page 10, line 29, by striking out after the word "manufacture" the words "of food products made from or with milk"; also on page 13, line 4, by striking out after the word "rules" the word "and"; also on page 15, line 6, by inserting after the word "inspect" the words "photograph photostat"; also on page 17, line 8, by inserting after the syllable "chased" the words "or acquired"; also in line 13, by inserting after the word "milk" the following: "not exceeding two gallons to any one consumer in any one day"; also on page 19, line 2, by inserting after the word "applicant" the following: "or may suspend or revoke the right of a license or former licensee to apply for a license for a new license period"; also in line 17, by inserting after the word "week" the words "two weeks"; also in line 18, by striking out after the word "than" the following: "[two weeks] three months." and inserting in lieu thereof the following: "[two] four weeks"; also on page 22, by striking out the following: "(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred (13)"; and inserting at the beginning of line 11, the figure "(12)"; also by inserting after the word "rejected" in line 20, the following: "(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready able and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler"; also on page 24, line 12, by inserting after the word "butter" the words "to be marketed or ultimately sold as such"; also in line 14, by inserting after the word "of" the words "butterfat of"; also on page 26, line 13, by inserting after the word "dealer" the words "or handler" also in same line by striking out after the word "or" the words "handler purchasing"; also on page 32, by inserting after the word "milk" in line 19, the following:

"A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler"; also on page 33, by inserting after the word "producer" the following: "and a reasonable return to the"; also in same line, by inserting after the word "handler" the words "In ascertaining such returns the commission shall utilize a cross-section representative of the average of normally efficient producers and dealers or handlers in the area"; also on page 24, line 22, by striking out after the word "herein" the words "the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article";

and inserting in lieu thereof the following: "the testimony of an expert statistician present at the hearing"; also in line 27, by striking out after the word "extent" the following: "that the treatise report of the statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing" and inserting in lieu thereof the following: "it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article"; also on page 35, by inserting after the word "producers" in line 13, the following:

"Whenever an order of the commission fixing prices is remitted to the commission with directions to reform the findings or order in accordance with the opinion of the court and no further appeal is taken by the commission the commission shall make such reformation within thirty days from the entry of the order of the court remitting the price fixing order to the commission."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. READINGER. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

CONGRATULATORY RESOLUTION

Mr. HABBYSHAW offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 4th, 1941.

The lives of great men all remind us
We should make our lives sublime
And in parting leave behind us
Foot-prints on the sands of time

Thirty-seven years ago in the village of Millersburg in the County of Dauphin, there was born one who early in life made the great truth contained in the above lines, his guiding star.

He studied the lives of our Nation's great and so modeled his life as to guarantee a good name to his posterity.

He learned the value of loyalty and has steadily been loyal to friends, to his party, and to his community.

He learned the needs of his constituents and of the people of the Commonwealth and has devoted his time at great personal sacrifice to the advancement of their interests and the preservation of their rights and liberties.

He learned the real meaning of a smile and has dispensed sunshine, he discovered the value of personal friendships and has made and cherished them, and the keeping inviolate of any promise made has held first place in his personal code of conduct.

He first came to this House as a member in 1932 and has continued that membership uninterrupted by the vagaries and uncertainties of political trends.

His conduct here has commanded the admiration and held the respect of his constituency and of the members of his party so that in victory and in defeat he has been their leader on the floor of this House; therefore be it

Resolved, That the members of this House extend to the Honorable Robert E. Woodside, Jr. on this, another anniversary of his natal day, its most sincere congratulations and best wishes for many similar anniversaries, with the hope that each succeeding one may find him further on the road to the goal he has set, and his footprints more indelibly outlined in the sands of time for the guidance of those who come hereafter; and be it further

Resolved, That this resolution shall be printed in the Legislative Journal and a copy thereof shall be transmitted by the Chief Clerk to the Honorable Robert E. Woodside, Jr.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Woodside.

Mr. Woodside. Mr. Speaker, I want to thank you and the members of the House for this very kind resolution. As a matter of fact it reminds me a good bit of that old famous story about the widow who heard so many good things about the person who was lying in the casket, and she went up to look at it to make sure it was her husband.

Mr. Speaker, as I was listening to the reading of this resolution I could not imagine that they were talking about me because of the very kind and flattering words in it. I want to thank you, Mr. Speaker, and members of the House, for your kindness.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I shall, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, since the gentleman yesterday recounted the very famous event that occurred on June 4, 1904—hearsay evidence only—I have been wondering what the score of that game was. Will the gentleman tell me?

Mr. WOODSIDE. Mr. Speaker, may I say to the gentleman first, as a lawyer, I will remind him that that is one of the eleven exceptions to the hearsay rule, to talk about what happens on your birthday. As a matter of fact I don't recall just what the score was. My recollection of that day is not very clear and my recollection of the law is not very clear. I do not think that comes within the eleven exceptions to the hearsay rule, and so I would not be qualified to give the gentleman that information.

Mr. REUBEN E. COHEN. Does anybody know what the score is?

Mr. WOODSIDE. Mr. Speaker, I am inclined to believe the gentleman is right, nobody does.

Mr. TURNER. Mr. Speaker, I don't know what the score was on that day, but I can say this, that I have read in the family record of the Woodside family that when Robert E. Woodside, Jr. appeared he didn't have any clothes on, he didn't have any teeth, he didn't have any hair and he could hardly see. He has made a lot of improvement since that time. Yesterday he looked like one of the bearded wonders. He got scraped today on his birthday, I guess. He has accumulated a lot of hair and if he sticks around with Bill Habbyslaw he is going to accumulate a lot of bad ideas.

REPORTS FROM COMMITTEES

Mr. BROWN, from the Committee on State Government, reported as committed, House Bill No. 1766, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of members of the School Employees' Retirement Association engaged in active military service.

Mr. BRADLEY, from the Committee on Printing, reported as committed, House Bill No. 1795, entitled:

An Act to further amend clause (c) of section two thousand four hundred six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by further providing for the distribution of the State Manual.

Mr. KEENAN, from the Committee on Cities-Second Class, reported as committed, House Bill No. 1798, entitled:

An act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

Mr. RUSSELL E. REESE, from the Committee on Liquor Control, reported as committed, House Bill No. 1286, entitled:

An Act relative to employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1793 (Senate Bill No. 996) entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452) entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1794 (Senate Bill 998), entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

Mr. SKALE, from the Committee on State Government,

reported as committed, House Bill No. 1751 (Senate Bill No. 213) entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions

Mr. CULLEN, from the Committee on State Government, reported as committed, House Bill No. 1752, (Senate Bill No. 1016), entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

Mr. FLYNN, from the Committee on Forestry, reported as committed, House Bill No. 1387, (Senate Bill No. 310), entitled:

An Act to amend article six, of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild and providing a penalty.

Mr. BRETHERICK, from the Committee on State Government, reported as committed, House Bill No. 1695, (Senate Bill No. 303), entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways

Mr. McFALL, from the Committee on Counties, reported as amended, House Bill No. 1641, entitled:

An Act providing that city taxes in cities of the third class, shall be assessed, levied and collected upon the basis of the county assessments; imposing duties upon county assessing and county taxing authorities; abolishing the office of city assessor in cities of the third class and transferring certain property to county taxing authorities.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 664, Printer's No. 748, entitled:

An Act to amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

was ordered to be transcribed for third reading be reconsidered.

Mr. GATES. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on ordering the bill to be transcribed for third reading?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Armstrong, Mr. Gates, vote?

Mr. GATES. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the House agreed to the bill on second reading be reconsidered.

The motion was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which the title and the several sections were agreed to be reconsidered.

The motion was agreed to.

The first section was read.

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend section 1, (section 76), page 2, lines 14 to 24, both inclusive, by underscoring all of words in said lines.

Amend section 1, (section 76), page 2, line 17, by inserting after the word "defendant", the following: "if judgment is entered in a county other than that in which the obligation was given, and".

The amendments were agreed to.

The section was agreed to as amended.

The second section and title were separately read and agreed to.

And said bill having been read at length the second time, and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

The SPEAKER. The Chair returns to page 7 of today's calendar, bills on first reading, House Bill No. 1365. Printer's No. 867. This bill is now on file.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine, (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as variously amended; authorizing the secretary of Revenue to establish a system of permanent registration of vehicles; providing for the issuance of commercial

licenses and further regulating the operation of vehicles, and the suspension of registrations and operating privileges; giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes; extending the time limit for cities of the second class A to make certain changes in traffic signals; extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power; amplifying and changing provisions of said act relating to lighting signal and warning devices; redefining the term dealer; further regulating dealers in junked vehicles, permits for over-size and over-weight vehicles, use of school buses, registration plates and cards, maximum size of vehicles, and medical examination by physicians; providing for payment of certain fees by counties; limiting and providing new exemptions from the various provisions of said act; giving additional authority to peace officers and department employes in the manner of investigations further regulating prosecutions; giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts; changing and fixing additional fees, changing and imposing new penalties, giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops; providing refunds to certain persons entering Federal services; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS THE HOUSE

Mr. DIX asked and obtained unanimous consent to address the House.

Mr. Speaker, I expect to take only a couple of minutes and I hope there will be no interruptions. Having served as a Member of the House for three sessions, it has been my ambition to have some kind of a bill passed, but I have been very unfortunate in that respect. I realize that as a Member of the House, it is a very important thing and an honor to have your name attached to any bill. Mr. Speaker, I might say I would feel highly honored if I had a bill of some kind under my sponsorship. However, I realize that this House has not accomplished very much in the past five months, in fact, it has not accomplished anything. However, the gentleman from Delaware a short time ago introduced a bill in this House which is known as House Bill No. 1275½, Printer's No. 463½, introduced in the session of 1941 of the General Assembly of Pennsylvania by the Honorable Benjamin James. Mr. James in a footnote made this statement, "This act shall become effective soon as a co-sponsor can be found who can contribute a tune and fifty cents to cover expenses." Mr. Speaker, as a co-sponsor, I have furnished a tune and I am about to furnish the fifty cents to Mr. James. You gentlemen have lying on your desks a copy of that tune and I now present to Mr. James the contribution which he demands as a result of having the bill passed in my favor. I would like to have a page boy deliver this letter to him and also the fifty cents. Inasmuch as the Democrats would not let me pass a bill, I want to thank him for letting me be a co-sponsor to House Bill 1275½ with my reply in House Bill 23 skidoo. Thank you.

PERMISSION TO ADDRESS THE HOUSE

Mr. JAMES asked and obtained unanimous consent to address the House.

Mr. Speaker, I understand it would be a violation of my oath as a Member of this Body if I accepted or re-

ceived or gave money in exchange for the passage of any kind of legislation. I therefore in full view of this body clear my name of any such thing by returning forthwith to Mr. Dix his fifty cents.

The SPEAKER. Will the gentleman send the fifty cents to the desk?

Mr. DIX. Mr. Speaker, I was about to request that inasmuch as the Member would not comply with the provisions of this bill, he send the money to the desk with the permission to the Chair to distribute it as he saw fit.

The SPEAKER. It will go to a good charity.

QUESTION OF INFORMATION

Mr. TARR. Mr. Speaker I rise to a question of information.

The SPEAKER. The gentleman from Fayette will state his question of information.

Mr. TARR. Mr. Speaker, since the gentleman from Wayne, Mr. Dix has now offered a bribe in the presence of witnesses in the House, I wonder if it might be in order to ask leave of the House to go to the Legislative Reference Bureau and request it to draw up a resolution asking for his expulsion from this House.

Mr. DIX. Mr. Speaker, if it produces the same results as the very recent attempt to expel a Member, I will be very grateful.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 192

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 192, Printer's No. 484, entitled, "An act to amend section 4408 of the act approved

the twenty-third day of June one thousand nine hundred thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' providing for appeals by policemen who are fined suspended or discharged after hearing."

ARTHUR H. JAMES.

COMMITTEE MEETINGS

Judiciary General, Thursday, June 5 at 9:30 a. m. in Room 246.

Professional Licensure, Wednesday, June 4 immediately after the session in Room 246.

State Government, Thursday, June 5 at 9:30 a. m. in Room 325.

MEETING OF COMMITTEE CHAIRMEN

A meeting of all Committee Chairmen will be held in the Old House Caucus Room Wednesday, June 4, immediately after adjournment.

WOODSIDE TESTIMONIAL DINNER

Just a Reminder—Reservations for the Woodside Testimonial Dinner to be given next Tuesday evening at the Harrisburg Country Club will close Thursday, June 5th. Contact either Franklin H. Lichtenwalter, David P. Reese, Jr., David H. Sarge, L. D. Stambaugh, Ray E. Taylor or the Chief Clerk's Office in order that a place may be reserved for you.

Directions to the Harrisburg Country Club are as follows: Drive North along River to Route 443, where you make a turn to the right

ADJOURNMENT

Mr. PAUL A. BRUNNER. Mr. Speaker, I move that this House adjourn until Thursday, June 5, 1941, at 10 a. m.

The motion was agreed to and (at 2:25 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, JUNE 5, 1941.

No. 66.

SENATE

THURSDAY, June 5, 1941

The Senate met at 11 o'clock, a. m. Eastern Standard Time.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

In the absence of the Chaplain the prayer was offered by the gentleman from Butler, Senator CARR.

We bow in Thy presence, Our Heavenly Father, with gratitude in our hearts that Thou hast given us knowledge of Thyself and Thou hast given us the means of access unto Thee, that we can come to Thee in the hour of need and ask for Thy guidance and Thy direction. We do feel, Our Heavenly Father, in hours like this when there is confusion and turmoil in the world, when there is bewilderment in the minds of men, we need the guidance of Thy thinking for us. So we ask in this morning hour, Our Heavenly Father, that Thy spirit may guide us in all our thoughts, that they may be in accordance with Thy will, that what we say and what we do shall have the sanction of Thy blessing. We ask it in Thy name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. MILLER and Mr. EALY, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. WALKER, of Allegheny County asked and obtained leave of absence for himself, on June 9, 10, and 11th.

Mr. BARR, of Allegheny County, asked and obtained leave of absence for himself for June 18th.

Mr. Coleman asked and obtained leave of absence for the Senator from Berks, Mr. RUTH.

Mr. Miller asked and obtained leave of absence for the Senator from Philadelphia, Mr. WOODWARD.

Mr. Farrell asked and obtained leave of absence for the Senator from Erie, Mr. ZIESENHEIM.

Mr. Tallman asked and obtained leave of absence for the Senator from McKean, Mr. THOMAS B. WILSON.

Mr. SHAPIRO, of Philadelphia, asked and obtained leave of absence for himself, for June 10th.

Mr. SHAPIRO. Mr. President, like the gentleman from

Allegheny, Mr. Walker, I too have a graduation exercise to attend, as one of my children is graduating, but I do not need three days; it comes on the tenth and I should like to have leave of absence for myself for June 10th.

Mr. EALY. I have a daughter being graduated, Mr. President, but I am afraid I will have to be here and therefore shall not ask for leave of absence.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 5, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Bertha Paros, Jefferson Township, Large.

DELAWARE COUNTY

Roscoe F. Mann, Upper Darby Twp., 325 McClatchy Bldg., Upper Darby

LACKAWANNA COUNTY

Miss Helen J. Rees, Scranton.

LUZERNE COUNTY

Casimir A. Siminski, Swoyersville.

PHILADELPHIA COUNTY

Frank J. Anastasio, Philadelphia, 5531 Chester Avenue.
Miss Emma K. Eissler, Philadelphia, North Bros. Mfg Co., Lehigh Avenue and American Street.

Charles P. LaGrossa, Philadelphia, 343 South 13th Street.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EDMONDS That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Chapman,	Frey,	McQuiddy,	Thomas,
Coleman,	Geltz,	Miller,	Tyler,
Cox,	Haluska,	Mundy,	Wade,
Crider,	Heyburn,	Scarlett,	Walker,
Crowe,	Homsher,	Shapiro,	Watkins,
Deltrick,	James,	Snowden,	Wilson, H. L.,
Dent	Kephart,		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE
IN HUNTINGDON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ralph L. Clark, Broad Top, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Broad Top City, Huntingdon County, until the first Monday in January, 1942, vice W. Ira Evans, deceased.

ARTHUR H. JAMES.

COMMUNICATION FROM THE GOVERNOR

He also presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED RESOLUTION
RECALLING SENATE BILL No. 345

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 345, Printer's No. 222, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 345 LAID ON THE TABLE

Mr. CRIDER. Mr. President, I move that Senate Bill No. 345 Printer's No. 222, recalled from the Governor, be laid on the table.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

HOUSE CONCURS IN RESOLUTION RECALLING
FROM THE GOVERNOR SENATE BILL No. 141

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 5, 1941.

Resolved (if the House of Representatives concur) That Senate Bill No. 141, entitled:

An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions. be recalled from the Governor for the purpose of amendment.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur) That House Bill No. 525, (Printer's No. 545), entitled:

An Act amending, revising, consolidating and changing the law relating to the borrowing of money by certain political subdivisions, the authorization, issuance and sale of general obligation bonds, as herein defined, of bonds imposing no general obligation of debt, and of bonds not deemed to constitute a debt for certain purposes, and to the funding of debt and the refunding of bonds; regulating the keeping and use of sinking funds; imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions; imposing penalties; and repealing existing laws

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur) That House Bill No. 960, (Printer's No. 361), entitled:

An Act to amend sections one and two and to further amend sections three and five of the act, approved the sixth day of April one thousand nine hundred and eleven (P. L. 51), entitled "Sausage Law" making possession of adulterated sausage prima facie evidence of intent to sell; further defining and regulating the adulteration of sausage; and conferring powers on the Department of Agriculture.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 5, 1941.

Resolved, (if the Senate concur), That House Bill No. 717, (Printer's No. 348), entitled:

An Act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto.

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur) That House Bill No. 107, (Printer's No. 742), entitled:

An Act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 218

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 218, entitled:

An Act to further amend section three, and to amend section eight of the act approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "Insecticides and Fungicides Law," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 727

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 727, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Northumberland

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 687, (Senate Bill No. 1118), entitled:

An Act to further amend the title and section one of the act approved the third day of May, one thousand nine

hundred and nine (P. L. 424), entitled "An act providing that in all counties having more than five hundred thousand inhabitants, advertisements and notices, required by law or rules of court to be published in newspapers of general circulation, unless dispensed with by special order of court, shall be published in the legal newspaper, issued at least weekly, of the proper county, designated by rules of court for the publication of court or other legal notices," as amended, extending the provisions of the said act to counties of the sixth class.

Which was committed to the Committee on County Government.

House Bill No. 771, (Senate Bill No. 1119), entitled:

An Act to amend subsection (d) of section two hundred eight of the act, approved the fifty day of December, one thousand nine hundred thirty-six (1937 P. L. 2897), entitled "Unemployment Compensation Law," further regulating the fixing and the increasing of salaries of persons employed for the purpose of administering said act, in certain cases.

Which was committed to the Committee on State Government.

House Bill No. 908, (Senate Bill No. 1120), entitled:

An Act to amend the next to the last paragraph of section four and to further amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "Cooperative Agricultural Stock Association Law," by defining the jurisdiction of the Pennsylvania Milk Control Commission over such associations, and regulating the sale and marketing of milk thereby.

Which was committed to the Committee on Agriculture.

House Bill No. 909, (Senate Bill No. 1121), entitled:

An Act to further amend section three hundred three of and to add section three hundred seven to the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "Pennsylvania Liquor Control Act," by providing for the appointment of assistant managers in Pennsylvania Liquor Stores; and by establishing minimum salaries for certain employees of the Pennsylvania Liquor Control Board working in Pennsylvania Liquor Stores.

Which was committed to the Committee on State Government.

House Bill No. 1197, (Senate Bill No. 1122), entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "General Borough Act," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

Which was committed to the Committee on Municipal Government.

House Bill No. 1233, (Senate Bill No. 1123), entitled:

An Act to amend section three hundred seventy of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," authorizing the county commissioners, from time to time, to make supplement appropriations.

Which was committed to the Committee on County Government.

House Bill No. 1235, (Senate Bill No. 1124), entitled:

An Act to further amend section three hundred and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2017), entitled "County Institution District Law," authorizing the commissioners of any county institution district from time to time, to make supplemental appropriations.

Which was committed to the Committee on County Government.

House Bill No. 1283, (Senate Bill No. 1125), entitled:

An Act authorizing and directing county commissioners to execute and deliver good and sufficient fee simple deeds, transferring all their right, title and interest when lands purchased by them at county treasurer's tax sales are subsequently resold by such county commissioners.

Which was committed to the Committee on County Government.

House Bill No. 1302, (Senate Bill No. 1126), entitled:

An Act relative to the printing for the Commonwealth of Pennsylvania; to establish the requirements of responsible bidders; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of act inconsistent with the provisions of this act.

Which was committed to the Committee on State Government.

House Bill No. 1328, (Senate Bill No. 1127), entitled:

An Act to reenact and amend the title and the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 526), entitled "An act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, township, school districts, and poor districts," by including second class counties, within the provisions of the act.

Which was committed to the Committee on Judiciary General.

House Bill No. 1424, (Senate Bill No. 1128), entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

Which was committed to the Committee on Judiciary General.

House Bill No. 1630, (Senate Bill No. 1129), entitled:

An Act to further amend clause (b) of section two hundred and one of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended, "Pennsylvania Liquor Control Act," further prescribing the powers of the Pennsylvania Liquor Control Board to fix maximum sales prices of liquors in the Commonwealth.

Which was committed to the Committee on Law and Order.

HOUSE CONCURS IN SENATE BILL No. 448

He also returned to the Senate, Senate Bill No. 448, entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by charging the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund

with the information that the House has passed the same without amendments.

HOUSE MESSAGE

SENATE BILL No 270 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The bill will lie over.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 270, entitled:

An Act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view

Senate Bill No. 448, entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of

an employer to pay damages for occupational disease contracted by an employe arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation, and prescribing penalties," by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases; clarifying the procedure for establishing such liability of the Commonwealth; and providing for the transfer and lapsing of certain moneys into the General Fund.

House Bill No. 218, entitled:

An Act to further amend section three, and to amend section eight of the act, approved the seventeenth day of May, one thousand nine hundred and seventeen (P. L. 224), entitled "Insecticides and Fungicides Law," by imposing additional duties on the Secretary of Agriculture, and further regulating the sale, manufacture and transportation of insecticides and fungicides.

House Bill No. 310, entitled:

An Act making an appropriation to the State Veterans' Commission, for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

House Bill No. 393, entitled:

An Act to amend sections one and two of the act approved the fifth day of June, one thousand nine hundred and thirty-five (P. L. 266), entitled "An act to protect trademark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name," by extending the provisions thereof to vending equipment used in distributing of such articles and further defining parties having a right of action for unfair competition

House Bill No. 610, entitled:

An Act to amend clause forty-seven of section two thousand four hundred three of the act, approved the twenty-third of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," changing the qualifications of historical societies to receive appropriations.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 690

The Clerk of the House of Representatives being introduced, informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 690, entitled:

An Act to further amend section 402, 411, 703, 704, 705 and 903 and to repeal section 706 of the act approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled, "Vehicle Code," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight; fixing the maximum gross weight of such vehicles which may be used and operated on the highways; and eliminating existing provisions relating to the chassis of such vehicles.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 690

Mr. EALY. Mr. President, I move that the Senate insist upon its amendments to House Bill No. 690, the foregoing bill.

Mr. WALKER. Mr. President, I second the motion. The motion was agreed to.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 404

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising consolidating and changing the law relating thereto.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL No. 404

Mr. WALKER. Mr. President, I move that the Senate insists upon its amendments to House Bill No. 404, the foregoing bill.

Mr. EALY. Mr. President, I second the motion. The motion was agreed to.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 510 AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred, thirty-five (P. L. 599), entitled "Sunday Motion Pictures Act," by changing the method whereby future referendums be initiated.

and has appointed Messrs. O'BRIEN, MELCHIORRE and HARE, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

CONFERENCE COMMITTEE APPOINTED

Mr. EALY. I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two in relation to House Bill 510.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. LETZLER, CARR and DiSILVESTRO, to be said committee on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

SENATE BILL No. 959, (HOUSE BILL No. 572), ON FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 959, (House Bill No. 572), on final passage, page 3 of the Calendar, this being a deficiency appropriation bill.

Mr. EALY. Mr. President, I second the motion. The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 959, (House Bill No. 572), entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," further providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally.

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—41

Barr,	DiSilvestro,	Kephart,	Stiefel,
Bartlett,	Ealy,	Lanius,	Tallman.
Becker,	Edmonds,	Letzler,	Taylor,
Carr,	Farrell,	Mallery,	Thomas,
Chapman,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Mundy,	Walker,
Crider,	Heyburn,	Shapiro,	Watkins,
Crowe,	Homsher,	Snowden,	Wilson, H. I.,
Detrick,	James,	Stevenson,	Woodward,
Dent,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHAPIRO. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Philadelphia will state his question of personal privilege.

Mr. SHAPIRO. Mr. President, I think I should say that I rise on a question of personal privilege, but, in fact, I do not think the privilege should be confined to me personally. Unfortunately, I have been engaged in the trial of a case, which I could not not avoid, during the beginning of this week, and from which I have been excused for the day.

Coming up last night I read some statements which disturbed me considerably. As a member of this body I have been listening, for almost the entire session, to one of the members of this Senate, on this side of the Senate, by innuendo and sometimes by almost direct statements, first talking about his own personal integrity, and then either by innuendo or direct statements challenge the integrity of the members of this Senate.

This body has an important function to play in public life, each member has an important duty, a public duty, and therefore for myself, and I am sure many of my colleagues too had the feeling that to enter into a personal debate on matters of that kind with people who have that type of mind would be rather a waste of time and might

not get us anywhere. My own feeling was that in any event our own consciences would be sufficient comfort to us and we would know whether any attention should be paid to that, so far as we personally were concerned, in our relationship to our public duty.

Charges have been made against a party, the Democratic Party, but even that, in my opinion, was not of sufficient importance to delay the progress of important legislative duties of each and every Senator. While I confess that upon many occasions I have with great difficulty restrained myself from taking a position, I felt that my position was justified and I hoped that it would rise no further; at least the innuendos would be the end of it, but since there has been a passage from innuendo to direct charges, I feel something ought to be said and something ought to be done, because the charge not only involves some individual members of the Legislature, or some particular political party, but to my amazement, I found in this morning's paper confirmation of the story which was brought to me, that a colleague in this Senate has charged that there is a criminal conspiracy between the leaders of the Democratic Party and some of the members of the General Assembly, and that he questions the integrity of the leaders, some leaders of the Republican Party, and he specifically states that legislation has been either fostered criminally or blocked for criminal or unlawful purposes.

Now, Mr. President, I feel that no member of the Senate can allow such a statement to go unchallenged in times like these, not because I place any credence in the charges, but because the public in times of this kind should not be disturbed by statements carelessly made and statements made for a purpose which can be questioned. In my opinion, there was no basis for the charge that either the Democratic Party or the Republican Party is interested criminally in any of the legislation that I have seen on the floor of this Senate so far. I question the value and I question the wisdom of some of the legislation that has been passed, and I have challenged frankly the attitude of the Republican members of this Senate on occasion on their votes and the reasons for their votes—which I have a perfect right to do, but in doing so I made no reflections upon the integrity or the character of any of the persons who voted according to their convictions.

The charge that the Democratic Party or the Republican Party was personally interested in particular pieces of legislation, or in unlawfully procuring its passage or blocking its passage, is a charge which can not be ignored by a legislative body which hopes to maintain the respect of the community I charge that the statement was made purely without foundation and for political purposes. I may be wrong—I do not think so—but a man who makes such a statement should be prepared to prove it, and because I feel it is essential that he should either prove or withdraw his charges, or they should be proven to be false, so that the public will know the statements of that kind for their true value, and so that the fundamental basis of democracy, and the continuance of democracy shall not be destroyed namely, the law making body, the confidence of the people in that law-making body must be maintained, for if that is destroyed one of the main bulwarks of democracy falls, and because I feel that way about it, I challenge the gentleman's statements, and I challenge him to prove them.

Therefore, Mr. President, I am about to offer a resolu-

tion and ask its immediate adoption, for the purpose of giving him an opportunity to prove the charges.

Mr. President, I might say this is a concurrent resolution, and I should like to state further that this is not only my action, but that this action, the presentation of this resolution, is the result of a meeting of the Democratic Senators in caucus this morning, at least those Democratic Senators whom I am privileged and proud to call Democratic Senators this morning—a joint meeting of the Democratic Senators and the Democratic members of the House, and the unanimous action which I am now carrying out, is not in my own name alone, but in the name of the Democratic Party.

RESOLUTION URGING APPOINTMENT OF JOINT LEGISLATIVE COMMITTEE

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO offered the following resolution which was twice read:

In the Senate, June 5, 1941.

Whereas, On June 4, 1941, on the floor of the Senate, Senator Anthony Cavalcante, a member of the Senate from Fayette County, stated that he honestly felt that a criminal conspiracy existed between Democratic political leaders and certain members of the General Assembly to stifle good legislation and permit only such legislation to pass as will benefit certain favored groups;

And Whereas, in his further remarks he also attacked the integrity of certain Republican leaders; and

Whereas, Such charges cast reflection upon the integrity of the members of the Senate and the House of Representatives; and

Whereas, The seriousness of such charges demands immediate action in the interests of the citizens of the Commonwealth to prevent the consequences of such unlawful conduct if true,

Now Therefore, Be it

Resolved, If the House concur, that a Committee of ten members be appointed, five of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President pro tempore of the Senate, and the said Committee be and are hereby authorized and directed to make an immediate investigation of all of the said charges made on the floor of the Senate by the said Senator Anthony Cavalcante, in public hearings, and that the Committee shall make its report to the Legislature at the earliest possible moment before the adjournment of this session of the General Assembly, and be it further

Resolved, That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon an person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the Senate agree to the resolution?

Mr. GELTZ. Mr. President, I would first like to have it understood that this resolution, as has been stated by

my colleague from Philadelphia, Mr. Shapiro, is the product of considerable conferring before we started this session. It is not, however, the product or result of action of the Democratic side of the House and the Senate alone, but the result of conferences on the part of both Democratic and Republican members in both houses.

Mr. President, this situation, in my opinion, is one of great importance, not only to the members of this body, but as well to the members of the other House of the legislature, and also to the citizens in general of this Commonwealth, and that for two reasons:

Certain charges have been made which, if substantiated, would show a deplorable condition existing in this Commonwealth, would show a condition which would lead to the undermining of the foundations of our State government, would show a condition such as which could under no circumstances be tolerated by the decent, honest, good citizens of this Commonwealth.

But, Mr. President, I am also very much interested in this resolution and in the statements made for another reason, and that is simply this: one goes on through life, spending a lifetime building, and the finest thing, Mr. President, which one can build in life is a good reputation, and that can only be built from or by one's activities, which activities are the result, for the most part, of one's character.

Mr. President, to have statements or charges made, as were made here yesterday, without giving those individuals so charged some method by which an answer can be made, or an injustice undone, would not be right and, therefore, Mr. President, I think in fairness to all the citizens of this Commonwealth, in fairness to the elected representatives of those citizens in both the House of Representatives and the Senate, and also in fairness to those individuals, not in either House of the Legislature, who have been accused, whether justly or unjustly we at this time do not know, but certainly in fairness to those individuals who have built a reputation during their lives this resolution should be passed and a complete and full investigation should be made.

Therefore, Mr. President, I second the motion of my colleague from Philadelphia, Mr. Shapiro, asking immediate consideration of this resolution.

Mr. EALY. Mr. President, I believe I should say just a word about this resolution.

I was very much shocked and aggrieved yesterday, when I heard the address of Senator Cavalcante. My relations with the members of this Senate have been so pleasant and so frank and open that I could hardly believe that those words were being uttered here in the Senate. It is true the charges were most general in character—they consisted mostly of veiled innuendos—but they cast reflections on members of this Senate and members of the House.

I certainly believe those charges should be investigated, because they have caused suspicion and distrust among the people of this Commonwealth. I hope a committee can be appointed which will properly and carefully and fairly investigate these charges, doing justice to Senator Cavalcante and to the others whom he may have charged, or whom he may seek to charge with these things which he mentioned.

I heartily agree with this resolution.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Barr,	Dent,	James,	Stevenson
Bartlett,	DiSilvestro,	Kephart,	Stiefel.
Becker,	Ealy,	Lanius,	Tallman
Carr,	Edmonds,	Letzler,	Taylor.
Chapman,	Farrell,	Mallery,	Thomas.
Coleman,	Frey,	McQuiddy,	Tyler,
Cox,	Geltz,	Miller,	Wade,
Crider,	Haluska,	Mundy,	Walker.
Crowe,	Heyburn,	Shapiro,	Watkins,
Deitrick,	Homsher,	Snowden,	Wilson, R. I.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present same to the House of Representatives for concurrence.

POINT OF INFORMATION

Mr. WALKER. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Allegheny will state his point of order.

Mr. WALKER. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of inquiry.

Mr. WALKER. Mr. President, when the roll was called, I did not hear any answer to the name of Senator Anthony Cavalcante, and I would like to inquire of the Chair whether or not he has leave of absence for today.

The PRESIDENT. In answer to the inquiry of the Senator from Allegheny, Mr. Walker, the Chair is advised there is no record of a request for leave of absence for the gentleman from Allegheny.

COMMUNICATION URGING DEFEAT OF
SENATE BILL No. 772

The PRESIDENT. The Chair is in receipt of a communication from the County Commissioners of Delaware County urging defeat of Senate Bill No. 772 which the Clerk will read and which will be spread upon the Journal.

Whereas, The City of Philadelphia has purchased for an airport a valuable piece of land located in Tinicum Township, in Delaware County, fronting on the Delaware River, comprising nine hundred thirty-four (934) acres, which is assessed for taxation at Four Hundred Fifty Thousand (\$450,000.00) Dollars, and

Whereas, There is pending in the Legislature a bill known as Senate Bill No. 772 which, if passed and approved, will permit the City of Philadelphia to annex said property without giving the County of Delaware, Tinicum Township or the School District of Tinicum Township any voice in the matter, and

Whereas, One of the basic reasons for said bill is to relieve the City of Philadelphia from the payment of taxes on said property, and

Whereas, The effect of the bill will be to impose a materially heavier tax burden on the remaining taxable property in Tinicum Township and the School District of Tinicum Township, and

Whereas, The bill would be a legislative precedent for any county which has acquired title to land in an adjoining county to apply to the Legislature for the right to annex same,

Therefore, Be and It is Hereby Resolved by the Board

of County Commissioners of Delaware County that the aforesaid Senate Bill No. 772 should be defeated and that the Representatives and Senator from Delaware County should not only vote against said bill but should do all in their power to defeat it, first, because it is against the interests of Delaware County, Tinicum Township and the School District of Tinicum Township, and second, because there is no sound reason why when a county or municipality acquires title to land in an adjoining county it should be permitted to annex same to escape taxation particularly without giving the county or municipality in which the land is located any voice in the matter.

The foregoing is a true and correct copy of resolution adopted at a regular meeting of the County Commissioners held June 4, 1941, as the same appears on minutes of said meeting.

WILLIAM H. DUNCAN, Chief Clerk.

REPORTS FROM COMMITTEES

Mr. STIEFEL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 754, (House Bill No. 652), entitled:

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the non-payment of taxes or municipal claims.

Mr. CROWE, from the Committee on Judiciary General, reported as committed, Senate Bill No. 263, entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

Mr. CROWE (on behalf of Ruth), from the Committee on Forests and Water, Game and Fish, reported as committed, Senate Bill No. 1104, entitled:

An Act to amend section three hundred two of the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals; and amending, revising, consolidating, and changing the law relating thereto," by providing for the issuing of free hunters' licenses to persons over sixty-five years of age.

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 1078, (House Bill No. 1495), entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An Act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

Mr. WADE, from the Committee on State Government, reported as committed, Senate Bill No. 1076, (House Bill No. 1493); entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau com-

mission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employes as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employes under certain circumstances

Mr. BECKER, from the Committee on Judiciary General, reported as amended, Senate Bill No. 908, entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An Act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

BILL RE-REFERRED

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 767, (House Bill No. 1095), entitled:

An Act to further amend section six of the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," by conferring upon said county court jurisdiction in certain civil actions transferred to it by the Court of Common Pleas of Allegheny County.

with the request that it be re-referred to the Committee on Judiciary General.

REPORTS FROM COMMITTEES

Mr. WATKINS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 371, (House Bill No. 578), entitled:

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto.

Mr. WATKINS (on behalf of Mr. WOODWARD), from the Committee on Elections, reported as committed, Senate Bill No. 1088, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration

commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1089, entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1090, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled, "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1091, entitled:

An Act to amend the act approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a

further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1092, entitled:

An Act to amend the act approved the twenty-fifth day of May, on thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1093, entitled:

An Act to amend the act approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates primary and election expenses and election contests, creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Mr. TYLER, from the Committee on Forests and Water, Game and Fish, reported as committed, Senate Bill No. 1103, entitled:

An Act to further amend section two hundred twenty of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and boundary lakes and boundary rivers of the Commonwealth," by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age.

He also, from the Committee on Elections, reported as committed, Senate Bill No. 710, entitled:

An Act to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections

He also, from the Committee on Elections, reported as committed, Senate Bill No. 711, entitled:

An Act to amend section four hundred fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the appointment of overseers of election.

Mr. JAMES, from the Committee on Insurance, reported as amended, Senate Bill No. 852, entitled:

An Act to further amend subsection (4) of section one thousand four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by limiting the liability of insurance exchange subscribers to assessment.

He also, from the Committee on Insurance, reported as amended, Senate Bill No. 881, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts or poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

He also from the Committee on Insurance, reported as committed, Senate Bill No. 853, entitled:

An Act to further amend section six hundred and one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an

insurance department; and amending, revising, and consolidating the law relating to the licensing qualification, regulations, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws", extending the definition of insurance agent to include persons, copartnerships, associations and corporations giving advice, counsel, recommendations or information to holders of policies of insurance or annuity contracts.

He also from the Committee on Insurance, reported as committed, Senate Bill No. 1037, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P L 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regard thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age.

He also, from the Committee on Insurance reported as committed, Senate Bill No. 870, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies, issued by any company authorized to insure title, of which possession may be taken by the Secretary of Banking; and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policy-holders; providing also for the form of such reinsurance and defining the extent of the liability thereunder, and also for suits at law to recover thereon," by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance.

Mr. MILLER, from the Committee on State Government, reported as committed, Senate Bill No. 1087, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania

He also, from the Committee on State Government, reported as committed, Senate Bill No. 1077, (House Bill No. 1494), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties."

Mr. FARRELL, from the Committee on Elections, reported as amended, Senate Bill No. 848, (House Bill No. 358), entitled:

An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing nomination petitions in certain cases

He also, from the Committee on Elections, reported as committed, Senate Bill No. 743, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1933) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, by imposing further duties upon county boards of elections and their employees, and courts; providing for the appointment of examiners of elections and prescribing their duties; reducing the number of watchers that may be appointed for any primary or election, and reducing their compensation, and limiting the time in which requests for appointment of watchers may be filed; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby party officers may be removed from office providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast, and the method by which the returns shall be computed by county boards of elections; requiring expense accounts to be accompanied by vouchers for all items in excess of three dollars; providing additional penalties; and further clarifying coordinating certain provisions of said act.

Mr. THOMAS, from the Committee on County Government, reported as amended, Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May, one thousand nine hundred thirty-three (P. L. 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by further providing that the tax collector shall give out but one bond for the collection of township county and institution district taxes and changing he conditions of such bond.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 769, (House Bill No. 1194), entitled:

An Act to amend sections two and three of the act, approved the eleventh day of May, one thousand nine hundred and eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of

approval for weights and measures of county, city, and borough sealers.

He also, from the Committee on County Government, reported as committed, Senate Bill No. 749, (House Bill No. 319), entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven, (P. L. 275), entitled "An act to provide for the appointment of County and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

Mr. KEPHART, from the Committee on Judiciary General, reported as amended, Senate Bill No. 905, entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of the opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years, by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entireties, and the one spouse has been declared weak-minded or mentally incompetent.

He also, from the Committee on Judiciary General, re-

ported as amended, Senate Bill No. 703, (House Bill No. 803), entitled:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment. Where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

Mr. DENT, from the Committee on Highways, reported as committed, Senate Bill No. 878, (House Bill No. 1265), entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route.

HOUSE MESSAGE

JOINT COMMITTEE TO INVESTIGATE CHARGES MADE ON THE FLOOR OF THE SENATE BY SENATOR ANTHONY CAVALCANTE

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 5, 1941.

Whereas, on June 4, 1941, on the floor of the Senate, Senator Anthony Cavalcante, a member of the Senate from Fayette County, stated that he honestly felt that a criminal conspiracy existed between Democratic political leaders and certain members of the General Assembly to stifle good legislation and permit only such legislation to pass as will benefit certain favored groups;

And Whereas, in his further remarks he also attacked the integrity of certain Republican leaders; and

Whereas, such charges cast reflection upon the integrity of the members of the Senate and the House of Representatives, and

Whereas, the seriousness of such charges demands immediate action in the interests of the citizens of the Commonwealth to prevent the consequences of such unlawful conduct if true.

Now Therefore, Be it

Resolved, (if the Senate concur), That a Committee of ten members be appointed, five of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President pro tempore of the Senate, and the said Committee be and are hereby authorized and directed to make an immediate investigation of all of the said charges made on the floor of the Senate by the said Senator Anthony Cavalcante, in public hearings, and that the Committee shall make its report to the Legislature at the earliest possible moment

before the adjournment of this session of the General Assembly, and be it further

Resolved, That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. MILLER, on behalf of Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER read in place and presented to the Chair Senate Bill No. 1130, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a study of the advisability of consolidating the governments of the County and City of Philadelphia; providing for its appointment; authorizing the appointment of necessary counsel, stenographers and clerks; authorizing the subpoenaing of witnesses and records, and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. KEPHART. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART read in place and presented to the Chair Senate Bill No. 1131, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, and penalties, interests and costs, such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Which was committed to the Committee on Judiciary Special.

Mr. HALUSKA. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA read in place and presented to the Chair Senate Bill No. 1132, entitled:

An Act to amend part of section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public

utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporation to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," changing a certain route in the City of Johnstown.

Which was committed to the Committee on Highways.

SENATE BILL No. 818, (HOUSE BILL No. 1324), ON FINAL PASSAGE CALLED UP

Mr. DEITRICK. Mr. President, I now call up Senate Bill No. 818, (House Bill No. 1324), on final passage, page 2 of the Calendar.

Mr. MALLERY. Mr. President, I second the motion. The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 818, (House Bill No. 1324), entitled:

An Act to further amend section thirty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto," further providing for ascertaining the change of classification of counties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 818, (HOUSE BILL No. 1324).

Mr. DEITRICK. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. DEITRICK. Mr. President, I voted "aye".

Mr. MALLERY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. DEITRICK. Mr. President, I ask unanimous consent to present the following amendments:

Amend sec. 1, (sec. 32), page 2, line 8, by striking out the word "aggregate"; Amend sec. 1, (sec. 32), page 2, lines 9, 10, 11 and 12, by striking out the words, "who were included in the last preceding decennial United States census and who at the time the said classification is being ascertained and fixed are".

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

SENATE BILL No. 292, (HOUSE BILL No. 382), ON FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 292, (House Bill No. 382), on final passage, page 2 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 292, (House Bill No. 382), entitled:

An Act authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans, to borrow money and issue bonds for said purpose; providing for payment of such appropriations into a special fund in the State Treasury; appropriating the money in such fund, and authorizing the purchase of necessary insurance.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Barr,	Dent,	James,	Stevenson.
Bartlett,	DiSilvestro	Kephart,	Tallman,
Becker,	Ealy,	Lanlus,	Taylor,
Carr,	Edmonds,	Letzler,	Thomas,
Chapman,	Farrell,	Mallery,	Tyler,
Coleman,	Frey,	McQuiddy,	Wade,
Cox,	Geltz,	Miller,	Walker,
Crider,	Haluska,	Mundy,	Watkins,
Crowe,	Heyburn,	Shapiro,	Wilson, H. I.,
Deltrick,	Homsher,	Snowden,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

SENATE BILL No. 614, (HOUSE BILL No. 1126), ON THIRD READING AND FINAL PASSAGE CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 614, (House Bill No. 1126), on third reading and final passage, page 5 of the Calendar.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 614, (House Bill No. 1126), as follows:

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The preliminary provisions of section three hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" as amended by section one of the act approved the first day of June one thousand nine hundred and thirty-one (P. L. 318) is hereby further amended to read as follows

Section 302 Funds The moneys paid into the State Treasury and the moneys of which the State Treasurer is custodian shall be credited by the Treasury Department to the following funds as hereinafter provided

- Agricultural College Land Scrip Fund
- Banking Department Fund
- Federal Rehabilitation Fund
- Federal Vocational Education Fund
- Fire Insurance Tax Fund

Fish Fund
 Game Fund
 General Fund
 Liquid Fuels Tax Fund
 Manufacturing Fund
 Motor License Fund
 School Employes' Retirement Fund
 Sinking Fund
 State College Experimental Farm Fund
 State Employes' Retirement Fund
 State Farm Products Show Fund
 State Insurance Fund
 State School Fund
 State Workmen's Insurance Fund
 Surplus Commodities Stamp Fund

Section 2 Section three hundred two of said act as so amended is hereby further amended by adding thereto immediately following clause twenty thereof (clause twenty having been added by the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 333) a new clause to read as follows

Section 302 Funds The moneys paid into the State Treasury and the moneys of which the State Treasurer is custodian shall be credited by the Treasury Department to the following funds as hereinafter provided

* * * * *

21 Surplus Commodities Stamp Fund All moneys received by the Treasury Department from the Department of Revenue arising from appropriations by the several counties cities boroughs incorporated town and townships for participation in the Federal Surplus Commodities Stamp plans all receipts and proceeds resulting from the sale of Federal Surplus Commodities Stamps and all moneys received from insurance covering losses of such stamps or the proceeds from the sale of such stamps shall be credited to the Surplus Commodities Stamp Fund

Section 3 Section three hundred seven and the first paragraph of section fifteen hundred one of said act are hereby amended to read as follows

Section 307 Disbursements No money shall be paid from any of the funds of the State Treasury except upon warrant of the Auditor General issued upon requisition pursuant to law except moneys in the State Workmen's Insurance Fund which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Labor and Industry and except moneys in the Surplus Commodities Stamp Fund which may be disbursed by check of the State Treasurer upon requisition of the Secretary of Public Assistance

Section 1501 Requisitions No money shall be paid out of any fund in the State Treasury except the State Workmen's Insurance Fund and except the Surplus Commodities Stamp Fund until a requisition therefor shall have been presented to or prepared by the Auditor General

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

NAYS—39

Barr,	Dent,	James,	Stevenson,
Bartlett,	DiSilvestro,	Kephart,	Tallman,
Becker,	Ealy,	Lanius,	Taylor,
Carr,	Edmonds,	Letzler,	Thomas,
Chapman,	Farrell,	Mallery,	Tyler,
Coleman,	Frey,	McQuiddy,	Wade,
Cox,	Geltz,	Miller,	Walker,
Crider,	Haluska,	Mundy,	Watkins,
Crowe,	Heyburn,	Shapiro,	Wilson, H. I.,
Deltrick,	Homsher,	Snowden,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

MOTION TO PROCEED TO SECOND READING CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the second reading Calendar.

Mr. EALY. I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 531, (House Bill No. 383), entitled:

An Act to further amend section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing that school districts of the fourth class may employ at their own expense a medical inspector.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 532, (House Bill No. 550), entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An Act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 579, (House Bill No. 392), entitled:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 594, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," as amended, by redefining assistance to include work relief, and authorizing the Department of Public Assistance, with the approval of the Governor, to administer work relief projects.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 694, (House Bill No. 1175), entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 704, (House Bill No. 837), entitled:

An Act to further amend section one thousand seven hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high

schools and vocational schools of the theories of proper and safe operation of motor vehicles.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 715, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 750, (House Bill No. 398), entitled:

An Act authorizing the Department of Highways to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designated as essential National Defense Highways.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 765, (House Bill No. 1071), entitled:

An Act to further amend section sixteen of the act approved the thirty-first day of May one thousand nine hundred and eleven (P. L. 468) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any other obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner de-

cides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" providing for the payment of costs by the Commonwealth in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 814, (House Bill No. 1190), entitled:

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 862, (House Bill No. 1072), entitled:

An Act to amend section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 879, (House Bill No. 1413), entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FARRELL. Mr. President, I ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July, one thousand eight hundred and seventy-nine (P. L. 194), entitled "An act to enlarge the jurisdiction of justices of the peace, and regulating the fees of constables making sales under this act," further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 912, entitled:

An Act to further re-enact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 923, (House Bill No. 943), entitled:

An Act to re-enact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 963, (House Bill No. 861), entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to

boroughs," by further regulating the affairs of boroughs; and revising, amending, and changing the law relating thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 999, on second reading, entitled:

An Act to amend an act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," as amended, by further defining the liability of certain relatives for the support of indigent persons and authorizing execution against certain property in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on second reading, entitled:

An Act to re-enact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdiction upon the courts of common pleas and further regulating the business of buying and selling securities.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1014, (House Bill No. 1512), entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons; empowering the State Council for the Blind to do all things necessary for the establishment, maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor; authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress; authorizing officers and agencies in charge of State, county or municipal buildings to allow the establishment and operation of stands therein; creating a revolving fund in the State Treasury to be used for the purposes of the act; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1015, entitled:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes and providing that the reasonable cost thereof shall be borne by the several counties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1020, entitled:

An Act to amend section four of the act, approved the twenty-first day of May, one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1021, entitled:

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions of the Commonwealth, defining their powers and duties; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing county

commissioners to make appropriations for the use of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1033, (House Bill No. 1355), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," changing the term of county and district superintendents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1054, entitled:

An Act to amend sections four, five, thirty, thirty-one and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

The first and second section, were read and agreed to.

Mr. MALLERY. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend bill, page 4, by inserting between lines 27 and 28, the following:

Section 3. Clause (b) of section twenty-six of said act, as amended by the act, approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L.

606), is hereby further amended to read as follows:

Section 26. Removal Notices.—

* * * *

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election: Provided, That any elector who removes his residence from one place to another within the same election district and who has not yet filed a removal notice with the commission may be permitted to vote at the election or primary next following such removal if at the time of signing voter's certificate he files with the judge of election a signed removal notice properly filled out. All such removal notices shall be returned to the commission with the voting check list and the commission shall proceed to transfer the registration of such electors in accordance with the provisions of this act.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the page as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 3, page 4, line 28, by striking out the figure "3" and inserting in lieu thereof: "4."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 4, page 7, line 12, by striking out the figure "4" and inserting in lieu thereof: "5."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 5, page 8, line 26, by striking out the figure "5" and inserting in lieu thereof: "6."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The sixth section was read.

On the question,
Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 6, page 10, line 4, by striking out the figure "6" and inserting in lieu thereof: "7."

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the section as amended?
It was agreed to.
The title was read.

On the question,
Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend title, page 1, line 1 of title, by inserting after the word "five" the following: "twenty-six."

On the question,
Will the Senate agree to the amendment?
It was agreed to.
On the question,
Will the Senate agree to the title as amended?
It was agreed to.

And said bill as amended having been read at length the second time.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1054, on second reading, as amended, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1055, entitled:

An Act to amend sections five, six, thirty one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real

estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

The first and second sections were read and agreed to.

Mr. MALLERY. Mr. President, I desire to offer amendments.

The Clerk read the amendments to page 4, as follows:

Amend Bill, page 4, by inserting between lines 24 and 25, the following:

Section 3. Subsection (b) of section twenty-seven of said act as amended by the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 602), is hereby further amended to read as follows: Section 27. Removal Notices.—

* * *

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election, Provided, That any elector who removes his residence from one place to another within the same election district and who has not yet filed a removal notice with the commission may be permitted to vote at the election or primary next following such removal, if, at the time of signing the voter's certificate he files with the judge of election, a signed removal notice properly filled out. All such removal notices shall be returned to the commission with the voting check list and the commission shall proceed to transfer the registration of such electors in accordance with the provisions of this act.

On the question,
Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the page as amended?

It was agreed to.

The third section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 3, page 4, line 25, by striking out the figure "3" and inserting in lieu thereof: "4."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 4, page 7, line 9, by striking out the figure "4" and inserting in lieu thereof: "5."

On the question,

Will the Senate agree to the amendment,

It was agreed to.

On the question,

Will the Senate agree to the section as amended,

It was agreed to.

The fifth section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The amendment was read as follows:

Amend Sec. 5, page 8, line 22, by striking out the figure "5" and inserting in lieu thereof: "6."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 6, page 10, line 1, by striking out the figure "6" and inserting in lieu thereof: "7."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read.

On the question,

Will the Senate agree to the title?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Title, page 1, line 1 of title, by inserting after the word "six" the following: "twenty-seven."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

On the question,

Will the Senate agree to the bill on second reading, as amended?

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 1055 on second reading, as amended go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1061, (House Bill No. 811), entitled:

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture, production, distillation, development use in manufacture denaturization redistillation rectification blending recovery re-use holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1062, (House Bill No. 830), entitled:

An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of States stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1063, (House Bill No. 824), entitled:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose im-

posing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1073, (House Bill No. 1429), entitled:

An Act to amend section four of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties', approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1094, entitled:

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1095, entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the

same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school, and for payments by the Commonwealth on account thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1099, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1102, entitled:

An Act to further amend the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof," by providing for the licensing by the Department of Agriculture of persons, copartnerships, associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose; regulating the opening of eggs unfit for food; and providing for the denaturing of such eggs; authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis; further regulating the right to sell or otherwise deal with eggs subjected to incubation; providing that certain violations of the act shall be punishable in summary proceedings; prescribing penalties, and repealing certain legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS DROPPED FROM CALENDAR

Mr. DiSILVESTRO. Mr. President, I move that Senate Bill No. 282 on second reading, postponed, entitled:

An Act to further amend section one of the act, approved the eleventh day of April, one thousand nine hundred and thirteen (P. L. 58), entitled "An act supplementary to an act, entitled 'An act for the protection of the public health, by prohibiting the sale, offering for

sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products, providing penalties for the violation thereof, and providing for the enforcement thereof,' approved the eleventh day of March, Anno Domini one thousand nine hundred and nine; providing for the denaturing by kerosene of all eggs unfit for food, within the meaning of said act; and providing penalties for the violation thereof," providing for the licensing by the Department of Agriculture of persons, copartnerships, associations, and corporations, engaged in the business of breaking eggs and separating the egg content from the shell and using or disposing of the contents thereof for any purpose; authorizing the Department of Agriculture and its agents and assistants and local public health enforcement agencies to take samples of eggs for the purpose of analysis; and providing penalties.

be dropped from the Calendar.

Mr. SHAPIRO. Mr. President, I second the motion. The motion was agreed to.

Mr. DiSILVESTRO. Mr. President, I move that Senate Bill No. 283 on second reading, postponed, entitled:

An Act to further amend section three, and to amend sections four, five and six of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 13), entitled "An act for the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof" by further regulating sale of incubator eggs; modifying penalties; conferring powers on citizens and public health enforcement agencies of the Commonwealth; and conferring powers and duties on the Department of Agriculture.

be dropped from the Calendar.

Mr. SHAPIRO. Mr. President, I second the motion. The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 315
(PRINTER'S No. 184)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 315, Printer's No. 184, entitled, "An act to further amend section one of the act approved the fourth day of April one thousand nine hundred and twenty-five (P. L. 127) entitled 'An act relating to adoption' by imposing exclusive jurisdiction in adoption proceedings in the municipal court in first class counties."

ARTHUR H. JAMES.

HOUSE MESSAGE

HOUSE CONCURS IN AMENDMENTS TO
HOUSE BILL No. 572

The Clerk of the House of Representatives being intro-

duced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 572, entitled:

A Supplement to the act, approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 572, entitled:

A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts, page sixty), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-nine; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-nine," providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first, one thousand nine hundred forty-one.

House Bill No. 727, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Northumberland.

Whereupon,

The PRESIDENT (Lieutenant Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE
CHARGES OF CONSPIRACY

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 5, 1941.

Whereas, On June 4, 1941, on the floor of the Senate, Senator Anthony Cacalcante, a member of the Senate from Fayette County, stated that he honestly felt that a criminal conspiracy existed between Democratic political leaders and certain members of the General Assembly to stifle good legislation and permit only such legislation to pass as will benefit certain favored groups; and

Whereas, In his further remarks he also attacked the integrity of certain Republican leaders; and

Whereas, Such charges cast reflection upon the integrity

of the members of the Senate and the House of Representatives, and

Whereas, The seriousness of such charges demands immediate action in the interest of the citizens of the Commonwealth to prevent the consequences of such unlawful conduct if true, now therefore be it

Resolved (if the House concur). That a committee of ten members be appointed, five of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President pro tempore of the Senate, and the said Committee be and are hereby authorized and directed to make an immediate investigation of all of the said charges made on the floor of the Senate by the said Senator Anthony Cavalcante, in public hearings, and that the Committee shall make its report to the Legislature at the earliest possible moment before the adjournment of this session of the General Assembly, and be it further

Resolved, That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the Committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 263, entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount, payment and taxation as costs thereof, and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 371, (House Bill No. 578), entitled:

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 703, (House Bill No. 803), entitled:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment. Where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 710, entitled:

An Act to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 711, entitled:

An Act to amend section four hundred fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the appointment of overseers of election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 743, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1933) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the

Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, by imposing further duties upon county boards of elections and their employes, and courts; providing for the appointment of examiners of elections and prescribing their duties; reducing the number of watchers that may be appointed for any primary or election, and reducing their compensation, and limiting the time in which requests for appointment of watchers may be filed; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby party officers may be removed from office providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast, and the method by which the returns shall be computed by county boards of elections; requiring expense accounts to be accompanied by vouchers for all items in excess of three dollars; providing additional penalties; and further clarifying and coordinating certain provisions of said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 749, (House Bill No. 319), entitled:

An Act to further amend section one of the act, approved the eleventh day of May, one thousand nine hundred eleven (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof," allowing inspectors their expenses in attending State conventions of sealers of weights and measures.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 754, (House Bill No. 652), entitled:

An Act authorizing any county, city, borough, town, township, poor district, school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 769, (House Bill No. 1194), entitled:

An Act to amend sections two and three of the act approved the eleventh day of May, one thousand nine hundred eleven, (P. L. 275), entitled "An act to provide for the appointment of county and city inspectors of weights and measures; providing for their compensation and expenses; prescribing their duties; prohibiting vendors from giving false or insufficient weights; and fixing the penalties for the violation of the provisions hereof," as amended, by providing for the issuance of certificates of approval for weights and measures of county, city, and borough sealers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 848, (House Bill No. 358), entitled:

An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing nomination petitions in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 852, entitled:

An Act to further amend subsection (d) of section one thousand four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by limiting the liability of insurance exchange subscribers to assessment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 853, entitled:

An Act to further amend section six hundred and one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," extending the definition of insurance agent to include persons, copartnerships, associations and corporations giving advice, counsel, recommendations or information to holders of policies of insurance or annuity contracts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 870, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies, issued by any company authorized to insure title, of which possession may be taken by the Secretary of Banking; and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policy-holders; providing also for the form of such reinsurance and defining the extent of the liability thereunder, and also for suits at law to recover thereon," by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 878, (House Bill No. 1265), entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 881, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts or poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 905, entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, ex-

tinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedicating of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years, by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died refuse to act, unreasonably withhold consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance, where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entireties, and the one spouse has been declared weak-minded or mentally incompetent.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 908, entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 957, (House Bill No. 529), entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships

of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1037, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulating and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regard thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1076, (House Bill No. 1493), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration

of Senate Bill No. 1077, (House Bill No. 1494), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1078, (House Bill No. 1495), entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees' Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1087, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1088, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions,

county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1089, entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1090, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1091, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1092, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814) entitled, "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, court, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1093, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidat-

ing the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1103, entitled:

An Act to further amend section two hundred twenty of the act, approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1104, entitled:

An Act to amend section three hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for the issuing of free hunters' licenses to persons over sixty-five years of age.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

SENATE BILL No. 904, (HOUSE BILL No. 1543), ON THIRD READING POSTPONED CALLED UP

Mr. KEPHART. Mr. President, I now call up Senate Bill No. 904, (House Bill No. 1543), on third reading postponed, page 13 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, (House Bill No. 1543), entitled:

An Act providing a method for supplying, perfecting and recording birth records of certain persons whose births have not heretofore been made a public record, or whose record of birth is incomplete or incorrect; making such records competent legal evidence; prescribing fees; and imposing certain duties upon the orphans' court.

And said bill having been read at length the third time,
and the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate agree to the bill?

Mr. KEPHART. Mr. President, I ask unanimous consent to offer the following amendments:

Amend title, page 1, line 6 of the title, after the word "court" by inserting the following words: "and the Bureau of Vital Statistics of the Department of Health;" Amend Section 1, page 3, line 6, after the word "person" by taking out the word "or." and inserting in lieu thereof the word: "and"; Amend Section 1, page 3, line 18, after the letters "davit", by taking out the word "or" and inserting in lieu thereof the word: "and"; Amend Section 1, page 3, between lines 26 and 27, by inserting the following paragraph: "Provided, however, that if the information required above is not available, the court may require such other information, including public or private records, as will satisfy it"; Amend Section 1, page 4, between lines 5 and 6, by inserting the following paragraph: "In order that the form of petition in the several counties may be uniform, the Bureau of Vital Statistics of the Department of Health shall prescribe the form of petition required under Section 1 of this act."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

BILL POSTPONED

Mr. KEPHART. Mr. President, I move that further consideration of Senate Bill No. 904, (House Bill No. 1543), on third reading, amended be postponed for the present.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL INTRODUCED

Mr. LETZLER. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LETZLER read in place and presented to the Chair Senate Bill No. 1133, entitled:

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

Which was committed to the Committee on Highways.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Monday, June 9, 1941, at 3:30 o'clock, p. m. Eastern Standard Time.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:37 o'clock, p. m., Eastern Standard Time, until Monday, June 9, 1941, at 3:30 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, June 5, 1941

The House met at 10 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Gracious God, teach us to be friendly with all people. Give each of us an understanding and appreciative heart that we may generously give of ourselves to the development and happiness of all those we meet on the highway of life. May we, O God, belong to that inner circle that knows, and understands, that encourages and forgives, and that loves as Thou hast taught man to love.

May it please Thee to grant God speed to each member of this House as he returns to his home and loved ones. Whatever mysteries of life come to us until we meet again in this place, we pray Thee give us grace, give us courage, give us sympathetic and understanding hearts. May we put our trust in Thee, in Christ's name we pray. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FRENCH, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. WILLIAMS.

HOUSE BILL No. 1811.

An Act to further amend section three hundred sixty-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing the county auditors to have their reports prepared in pamphlet form for distribution instead of publishing the same in the newspapers.

Referred to the Committee on Municipal Corporations.

By Messrs. MUNLEY and REGAN.

HOUSE BILL No. 1812.

An Act to reenact and amend title and the act, approved the second day of July, one thousand nine hundred and thirty-seven (P. L. 2787), entitled "An act regulating the mining of bituminous coal in counties of the second class; prescribing duties for county commissioners; and imposing penalties," by rendering the provisions of said act applicable to all coal mining in all counties.

Referred to the Committee on Mines and Mining.

By Messrs. CORDIER and McLANE.

HOUSE BILL No. 1813.

An Act to amend section seven of the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regu-

lating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," permitting beauty culture schools, in certain cases, to charge for materials used by students in giving treatments to the public.

Referred to the Committee on Professional Licensure.

By Messrs. NAGEL and Van ALLSBURG.

HOUSE BILL No. 1814.

A Joint Resolution proposing an amendment to section thirteen, Article three, of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 560. (HOUSE BILL No. 1815).

An Act to amend clauses three and four of subsection (b) of section twenty-seven of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 477), entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of clauses of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balance due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" providing for the discharge of realty from the lien of certain old legacies with notice by publication but without the issuance of a citation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 1040. (HOUSE BILL No. 1816).

An Act to further amend section one of the act approved the eighth day of July one thousand nine hundred and nineteen (P. L. 737) entitled "A supplement to an act entitled 'An act to establish a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries regulating their jurisdiction over ships vessels

and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provision and making an appropriation therefor' approved the eighth day of June Anno Domino one thousand nine hundred and seven authorizing and directing the commissioners to provide and maintain a nautical school for the education and training of pupils from the various counties of the Commonwealth of Pennsylvania in the science and practice of navigation and making an appropriation for two years from the first day of June Anno Domino one thousand nine hundred and nineteen towards its maintenance" giving preference to applications for admission of sons of persons who served during any war in which the United States shall have engaged.

Referred to the Committee on Military Affairs.

SENATE BILL No. 1044. (HOUSE BILL No. 1817).

An Act to further amend section eleven and section seventeen of the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 358) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which state employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting a member to borrow from his or her funds under certain provisions and regulating exemption from execution.

Referred to the Committee on State Government.

SENATE BILL No. 486. (HOUSE BILL No. 1818).

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims.

Referred to the Committee on Judiciary General.

SENATE BILL No. 784. (HOUSE BILL No. 1819).

An Act to amend section four hundred three of the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and person receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons; authorizing appeal to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties; and repealing certain acts and parts of acts," further regulating the publication of advertisements and notices required under the provision of said act.

Referred to the Committee on Banking.

SENATE BILL No. 1017. (HOUSE BILL No. 1820).

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States.

Referred to the Committee on Judiciary General.

SENATE BILL No. 77. (HOUSE BILL No. 1821).

An Act to further amend section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" by exempting assets held by liquidating trustees.

Referred to the Committee on Ways and Means.

SENATE BILL No. 158. (HOUSE BILL No. 1822).

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of certain soldiers sailors marines female field clerks yeomen (female) and nurses.

Referred to the Committee on Appropriations.

SENATE BILL No. 367. (HOUSE BILL No. 1823).

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Millersville State Teachers' College to contract with the Borough of Millersville for the erection of a sewage disposal plant and the connection therewith and use thereof by the Millersville State Teachers' College and the payment of part of the cost of maintenance thereafter and making an appropriation.

Referred to the Committee on Education.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 218.

An Act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled "An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties" by imposing additional duties on the Secretary of Agriculture and further regulating the sale possession for sale and manufacture of insecticides and fungicides

HOUSE BILL No. 310.

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents

HOUSE BILL No. 393.

An Act to amend sections one and two of the act ap-

proved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266) entitled "An act to protect trade-mark owners distributors and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark brand or name" by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition

HOUSE BILL No. 610.

An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. NAGLE for himself for the remainder of the week after 3 p. m.

Mr. Gates for Mr. HELM for the remainder of the week on account of illness in the family.

Mr. BREThERICK for himself for Monday and Tuesday, June 9th and 10th.

Mr. MODELL for himself for the remainder of the week after 1 p. m.

Mr. BOORSE for himself after next Tuesday, June 10th, for the remainder of the week.

REPORTS FROM COMMITTEES

Mr. LEVY, from the Committee on Professional Licensure, reported as committed, House Bill No. 1048, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties, and providing penalties.

Mr. PROSEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1780, (Senate Bill No. 185), entitled:

An Act to further amend section two of and to add section two and one-tenth to the act approved the fourth day of April one thousand nine hundred twenty-five (P. L. 127) entitled "An act relating to adoption" further regulating adoption proceedings as to the consent of and notice to be given to parents of the person proposed to be adopted.

Mr. HERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1818 (Senate Bill No. 486), entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims.

Mr. WEINGARTNER, from the Committee on Judiciary

General, reported as committed, House Bill No. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States.

Mr. TATE, from the Committee on Judiciary General, reported as amended, House Bill No. 1786, (Senate Bill No. 209), entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law.

Mr. YESTER, from the Committee on Professional Licensure, reported as committed, House Bill No. 674, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain changes in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employes thereof.

Mr. YESTER, from the Committee on Professional Licensure, re-reported as amended, House Bill No. 675, entitled:

An Act providing for and regulating the State Licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws.

Mr. WEISS, from the Committee on Education, reported as amended, House Bill No. 1654, (Senate Bill No. 624), entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," increasing the minimum salaries of teachers in school districts of the fourth class and requir-

ing the Commonwealth to make certain payment on account of such salaries.

RESOLUTION

RECALLING HOUSE BILL No. 107 FROM THE GOVERNOR

Mr. NAGEL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur). That House Bill No. 107, Printer's No. 742, entitled "An act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 395) entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation' as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired,"

be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. The Chair invites the gentleman from Schuylkill, Mr. Kline, to preside during first reading bills.

For the information of the Members, Mr. Kline has never missed a day's session, nor has he been late for a session since he has been a Member of the House.

MR. KLINE IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1729, entitled:

An Act to add section fourteen and one-tenth to the act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1420, entitled:

An Act to amend the act approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L.

507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," as amended, by imposing the tax upon personal property held and managed in this Commonwealth, owned, held or possessed by residents as trustees, agents, or attorneys-in-fact jointly with one or more trustees, agents, or attorneys-in-fact domiciled in another state, and by imposing the tax upon equitable interests of residents in personal property held and managed in another state, where the legal title to such personal property is held by more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1177, entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety, regulating the use of the highways and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth, providing the titling, including liens, encumbrances and legal claims, registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees, prescribing and limiting the powers of local authorities to deal with the subject matter of this act, conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers, providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties, imposing certain costs upon counties, providing for the disposition of fines, forfeitures, fees and miscellaneous receipts, making an appropriation and providing for refunds," by allocating fees for inspection certificates for promotion of highway safety.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1731, (Senate Bill No. 599), entitled:

An Act to amend section three of the act approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison" by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1506, (Senate Bill No. 379), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for state and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same, providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1755, (Senate Bill No. 655), entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled: "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON FIRST READING NOT ON FILE

The SPEAKER pro tempore. House Bill No. 1766, Printer's No. 887, bill on first reading, on page 3 of today's calendar, is not on file and will be passed over.

House Bill No. 1795, Printer's No. 888, on page 4 of today's calendar, bill on first reading, is not on file and will be passed over.

House Bill No. 1798, Printer's No. 889, on page 4 of today's calendar, bill on first reading, is not on file and will be passed over.

House Bill No. 1286, Printer's No. 886, bill on first reading on page 4 of today's calendar, is not on file and will be passed over.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1793, (Senate Bill No. 996), entitled:

An Act to further amend section four of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 452) entitled as amended "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body to corporate and politic with power to construct improve equip furnish and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" empowering the General State Authority through the exercise of its powers under existing law to construct equip furnish maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1794, (Senate Bill No. 998), entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1751, (Senate Bill No. 213), entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1752, (Senate Bill No. 1016), entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1387, (Senate Bill No. 310), entitled:

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bitter-sweet growing in the wild, and providing a penalty.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1695, (Senate Bill No. 303), entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL ON FIRST READING NOT ON FILE

The SPEAKER pro tempore. House Bill No. 1641, Printer's No. 890, bill on first reading on page 6 of today's calendar, is not on file and will be passed over.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Schuylkill, Mr. Kline, for presiding.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SENATE BILL No. 66:

An Act to further amend the last paragraph of section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" imposing additional duties on and providing for additional compensation of veterans' grave registrars

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 4, 1941.

Resolved (if the House of Representatives concur), That Senate Bill No. 141, Printer's No. 278, entitled "An Act providing that a juvenile court adjudication against a juvenile shall not bar his appointment to a position with the Commonwealth or its political subdivisions,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL No. 316

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 316, entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

And has appointed Messrs. THOMAS B. WILSON, CRIDER and JASPAN, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON
HOUSE BILL No. 364

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 364, entitled:

"An act to amend the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 566) entitled 'A supplement to the act approved the second day of June one thousand nine hundred and fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employee in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as reenacted and amended providing for the payment of compensation to volunteer firemen or their dependents' amplifying the provisions thereof as to persons entitled to such payments"

And has appointed Messrs. HEYBURN, HENRY I. WILSON and DENT, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

PERMISSION GRANTED COMMITTEE TO MEET
DURING SESSION

Mr. HARKINS asked and obtained permission for the Committee on Education to meet during the session of the House.

RESOLUTION

RECALLING HOUSE BILL No. 717 FROM
THE GOVERNOR

Mr. CHARLES H. BRUNNER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur), That House Bill No. 717, Printer's No. 348, entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto,"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 970, entitled:

An Act to further amend section six of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) as amended by the act approved the fifth day of June one thousand nine hundred thirty-seven (P. L. 1703) and to further amend section ten of the act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 149) as last amended by the act approved the twenty-first day of June one thousand nine hundred thirty-nine (P. L. 634) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the gen-

eration of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" to provide for the making of separate reports on liquid fuels sold for aviation purposes and to further provide for the establishment of an Aviation Liquid Fuels Tax Fund and the return of said taxes to counties of the second class

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1390, entitled:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553) entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspension of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHEPARD. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1425, entitled:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings

and recommendations to the General Assembly and authorizing the commission to employ counsel and employees and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1665, entitled:

An Act to amend section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing that said section shall not apply to certain games or devices where free plays are given or allowed and providing that such free plays shall not be considered things of value

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1263, entitled:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1621, entitled:

An Act to add section forty-three to the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a nonresident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1536, (Senate Bill No. 212), entitled:

An Act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee and to make uniform the law with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1760, entitled:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal, directing such commission to make a report and recommendations to the General Assembly; conferring certain powers upon such commission, including the power to issue subpoenas, administer oaths and affirmations, retain employes and expend funds; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1121, entitled:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1648, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of tractors and trailers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended by changing registration years fractions of registration years operator's license years extending the time for exemption from fees for transfer of registration to conform with changed registration year reducing operator's license fee and giving the secretary power to determine whether certain motor vehicles are of tractor type

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 361, entitled:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police

force for the properties and activities of the Commonwealth within the Capital City

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles providing for the issuance of commercial licenses and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for oversize and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employes in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. CORRIGAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Motor Vehicles for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection House Bill No. 891, Printer's No. 744, was passed over at the request of The SPEAKER.

There being no objection House Bill No. 1406, Senate Bill No. 588, Printer's No. 398, was passed over at the request of The SPEAKER.

HOUSE BILLS ON THIRD READING
MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the third reading calendar be made special orders of business.

The motion was agreed to.

BILLS ON THIRD READING

BILLS PASSED OVER

There being no objection House Bill No. 1195, Printer's No. 688, was passed over at the request of The SPEAKER.

There being no objection House Bill No. 1256, Printer's No. 765, was passed over at the request of The SPEAKER.

There being no objection House Bill No. 1626, Printer's No. 766, was passed over at the request of The SPEAKER.

There being no objection House Bill No. 129, Printer's No. 454, was passed over at the request of The SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1441, as follows:

An Act to amend routes 52037 and 52044 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing certain routes in the county of Potter

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Routes 52037 and 52044 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Act No 203) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 806) are hereby amended to read as follows

Route 52037 Beginning at a point on Route 103 about 0.5 of a mile east of an intersection with Route 236 and

extending in a northeasterly westerly and southwesterly direction through Eulalia Allegany and Hebron Townships via Ford Hill Corners to a point on Route 236 about 1.15 miles southeast of Hebron Centre in Potter County a distance of about [6.4] 7.5 miles

Route 52044 Beginning at a point on Route 52033 about 1.3 miles northwest of the northern terminus of State-aid Application 4809 and extending in a northwesterly and northerly direction through Harrison Township to the intersection of [Routes 52032 and 52034 at] Route 52032 about 0.6 of a mile west of White's Corners in Potter County a distance of about [2.6] 3.1 miles

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gerard,	McClester,	Scanlon,
Baker,	Gillan,	McDermott,	Schwab,
Balthaser,	Gillette,	McDowell,	Serrill,
Baughner,	Goodwin,	McFall,	Shaffer,
Bentley,	Greenwood,	McGrath,	Shaw,
Bentzel,	Gross,	McIntosh,	Shepard,
Boies,	Gryskewicz,	McLanahan,	Simons,
Boney,	McLane,	Skale,	Snyder,
Boorse,	Habbyshaw,	McMillen,	Sollenberger,
Bower,	Haines,	McSurdy,	Sorg,
Bradley,	Hamilton,	Meichlorre,	Stambaugh,
Bretherick,	Hare,	Modell,	Stank,
Brown,	Harkins,	Monks,	Stockham,
Brunner, C. H.,	Harris,	Mooney,	Tarr,
Brunner, P. A.,	Heatherington,	Moran,	Tate,
Burns,	Heim,	Moul,	Taylor,
Burriss,	Hering,	Muir,	Thompson, E. F.,
Cadwalader,	Herman,	Munley,	Thompson, R. L.,
Chervenak,	Hersch,	Nagel,	Trout,
Chudoff,	Hewitt,	Nunemacher,	Turner,
Cohen, M. M.,	Holland,	O'Brien,	VanAllesburg,
Cohen, R. E.,	Huntley,	O'Connor,	Verona,
Cook,	Imbrie,	O'Dare,	Vincent,
Cooper,	James,	O'Mullen,	Vogt,
Cordier,	Jefferson,	O'Neill,	Voldow,
Corrigan,	Jones, G. E.,	Owens,	Voorhees,
Croop,	Jones, P. N.,	Petrosky,	Wagner,
Cullen,	Keenan,	Pettitt,	Watkins,
Dalrymple,	Kenehan,	Polaski,	Weingartner,
Dennison,	Kline,	Polen,	Weiss,
DiGenova,	Knoble,	Powers,	Welsh, E. B.,
Dix,	Kolankiewicz,	Prosen,	Welsh, M. J.,
Dolon,	Komorowski,	Rank,	Williams,
D'Ortona,	Kruse,	Rausch,	Winner,
Duffy,	Lee, T. H.,	Readinger,	Wolf,
Early,	Lelsey,	Reese, D. P.,	Wood, L. H.,
Elliot,	Leonard,	Reese, R. E.,	Wood, N.,
Ely,	Lesko,	Regan,	Woodring,
Falkenstein,	Levy,	Reynolds,	Woodside,
Fisher,	Leydic,	Rhea,	Wright,
Fiss,	Lichtenwalter,	Riley,	Yeakel,
Fleming,	Longo,	Rooney,	Yester,
Fletcher,	Lovett,	Rose, W. E.,	Young,
Flynn,	Lyons,	Rosenfeld,	Kilroy,
Foot,	Malloy,	Royer,	
	Marks,	Rush,	

Speaker.

NAYS—1

Gates,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1482, Printer's No. 772, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill 611, as follows:

An Act providing for the acquisition by the Department of Forests and Waters in the name of Commonwealth of certain lands in Luzerne Sullivan and Wyoming Counties for use as a State Park making an appropriation for said acquisition providing for the management of said property by said department and defining the uses to which the property shall be put

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of preserving and perpetuating the unparalleled beauty of the several glens which converge and from Rickett's Glen likewise known as Kitchen Creek and the surrounding area thereof all of said area being located in Luzerne Sullivan and Wyoming Counties and for the further purpose of enjoyment of the same by the general public the Department of Forests and Waters is hereby authorized to acquire in the name of the Commonwealth of Pennsylvania the area hereinabove generally described or any portion or portions thereof determined by the department to be necessary the same to be laid out preserved and maintained as a State Park

Section 2 The sum of one hundred fifty thousand dollars (\$150,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the purpose of purchasing said property No part of said consideration shall be paid until the title to said property shall be approved by the Attorney General of the Commonwealth

Section 3 After the said property shall have passed into the possession of the Commonwealth the Department of Forests and Waters shall have full control and supervision thereof with power to adopt and carry into effect plans for the improvement preservation and use thereof The department may enforce such rules and regulations not inconsistent with the laws of this Commonwealth as it may make for the protection of life and property the maintenance of good order and the carrying into effect the full and proper use of said property as a State Park The department shall also have power with the approval of the Governor to make and carry out such plans for the profitable utilization of the dead and down timber and such other operations for the profitable employment of said lands as may not be inconsistent with their full use as a State Park and which the said department deems to be to the best interests of the Commonwealth Any moneys derived therefrom shall be paid into the State Forests and Waters Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,

Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krize,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winnier,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
For,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1519, as follows:

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of one hundred and ten thousand dollars (\$110,000) or so much thereof as may be necessary is hereby specifically appropriated to the trustees of the Pennsylvania State College for the construction of a service building for agronomy research a horse barn and two unit stables for dairy cattle for use by the School of Agriculture

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,

Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLane,	Simons,
Boney,	Gryskewicz,	McLanahan,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Wells,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Longo,	Riley,	Wright,
Fleming,	Lovett,	Rooney,	Yeakel,
Fletcher,	Lyons,	Rose, W. E.,	Yester,
Flynn,	Malloy,	Rosenfeld,	Young,
Foor,	Marks,	Royer,	Kilroy,
		Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1659, as follows:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the Commonwealth and that department in favor of certain persons associations and corporations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of eleven thousand five hundred dollars (\$11,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Revenue for the payment of accounts duly settled against the Commonwealth and that department in favor of certain persons associations and corporations by the Auditor General and State Treasurer in the manner provided by law

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BAKER. Mr. Speaker, I would like to have the gentleman from Mifflin County, Mr. French, explain the provisions of this bill.

Mr. FRENCH. Mr. Speaker, I refer the gentleman to

the gentleman from Monroe, Mr. Achterman, for an explanation of this bill.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gates,	McClanaghan,	Sarra,
Auker,	Gallagher,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McMillen,	Simons,
Boney,	Gryskewicz,	McLanahan,	Skale,
Boorse,	Habbyshaw,	McLane,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Wells,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Longo,	Riley,	Wright,
Fleming,	Lovett,	Rooney,	Yeakel,
Fletcher,	Lyons,	Rose, W. E.,	Yester,
Flynn,	Malloy,	Rosenfeld,	Young,
Foor,	Marks,	Royer,	Kilroy,
		Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1676, as follows:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P L 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the second

day of May one thousand nine hundred and twenty-nine (P L 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P L 277) is hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Elevator" shall mean all the machinery construction apparatus and equipment used in raising and lowering a car cage or platform vertically between permanent rails or guides and shall include all elevators dumb-waiters escalators gravity elevators hoists and other lifting or lowering apparatus

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public access except private dwellings

"Freight elevator" shall mean an elevator constructed and used for the carrying of materials

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect elevators and lifting apparatus in this Commonwealth

"Passenger elevator" shall mean an elevator constructed and used for carrying persons

"Man lift" shall mean that type of elevator which operates by an endless vertical belt which revolves over fixed pulleys at the top and bottom limits of travel and to which steps and hand holds are attached so that persons may ride thereon

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

Wherever the singular is used in this act it shall include the plural and wherever the masculine gender is used it shall include the feminine and neuter

Section 2 Section two of the said act as reenacted and amended by the act approved the eight day of April one thousand nine hundred and thirty-seven (P. L. 277) is hereby further amended to read as follows:

Section 2 General Requirement Every elevator as described in section one of this act shall be so constructed equipped maintained and operated with respect to the supporting members elevator car shaftway guides cables doors and gates safety stops and mechanisms locking mechanisms electrical apparatus and wiring mechanical apparatus counterweights and all other ap-purtenances as to safely sustain the load which the said elevator is designed and intended to carry

No "man lift" shall be considered dangerous or hazardous per se nor shall a certificate of operation for any "man lift" be refused or suspended unless such elevator is found to have been incorrectly installed to be mechanically defective or to be operating under some unnecessary hazard

Section 3 Sections three eight and nine of said act as reenacted by the act approved the eighth day of April one thousand nine hundred and thirty-seven (P. L. 277) are hereby amended to read as follows:

Section 3 Rules and Regulations To carry out the provisions and the intent and purpose of this act the department shall have power and its duty shall be to make alter amend or repeal rules and regulations for the construction installation maintenance operation and inspection of elevators used or destined for use in this Commonwealth and shall make specifications for the construction and equipment of such elevators No ele-

vator shall be permitted to be installed and used in this Commonwealth which does not comply with the rules and regulations herein provided for

No rules and regulations may be adopted prohibiting the use of "man lift" elevators except for the reasons hereinbefore prescribed

Section 8 Issuance of Certificates Every inspector shall forward to the department a full report of each and every inspection made of any elevator showing the exact condition of the said elevator If this report indicates that the said elevator is in a safe condition to be operated the department shall issue a certificate of operation for a capacity not to exceed that named in the said report of inspection which certificate shall be valid for thirteen months after the date of inspection No elevator may be lawfully operated without having such a certificate conspicuously posted in the elevator car cage or platform or adjacent to one of the entrances to such elevator

Section 9 Discontinuance of Operation If any elevator be found which in the judgment of an inspector in employ of the department is dangerous to life and property or is being operated without the operating certificate required by this act such inspector may require the owner or user of such elevator to discontinue its operation within twenty-four hours and such inspector shall immediately report all facts in connection with such elevator to the department and he shall place a notice in the elevator car to this effect In the event a certificate has been issued for such elevator the said certificate shall be suspended and not renewed until such elevator shall have been placed in a safe condition In such case where an elevator has been placed out of service the owner or user of such elevator shall not again operate the same until repairs have been made and permission given by the said inspector to resume operation of the said elevator

No "man lift" elevator shall be considered dangerous to life and property except for the reasons hereinbefore prescribed

Section 4 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarraff,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyslaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Muir,	Tate,
Burris,	Hering,	Munley,	Taylor,
Cadwalader,	Herman,	Nagel,	Thompson, E. F.,
Chervenkak,	Hersch,	Nunemacher,	Thompson, R. L.,
Chudoff,	Hewitt,	O'Brien,	Trout,
Cohen, M. M.,	Holland,	O'Connor,	Turner,
Cohen, R. E.,	Huntley,	O'Dare,	Van Allsburg,
Cook,	Imbrie,	O'Mullen,	Verona,
Cooper,	James,	O'Neill,	Vincent,
Cordier,	Jefferson,	Owens,	Vogt,
Corrigan,	Jones, G. E.,	Petrosky,	Voldow,
Croop,	Jones, P. N.,	Pettit,	Voorhees,
Cullen,	Keenan,	Polaski,	Wagner,
	Kenehan,		Watkins,

Dalrymple,	Kline,	Polen,	Weingartner,
Dennison,	Knoble,	Powers,	Weiss,
Di Genova,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dix,	Komorowski,	Rank,	Welsh, M. J.,
Dolon,	Krise,	Rausch,	Williams,
D'Ortona,	Lee, T. H.,	Readinger,	Winner,
Duffy,	Lelsey,	Reese, D. P.,	Wolf,
Early,	Leonard,	Reese, R. E.,	Wood, L. H.,
Elliott,	Lesko,	Regan,	Wood, N.,
Ely,	Levy,	Reynolds,	Woodring,
Falkenstein,	Leydic,	Rhea,	Woodside,
Fisher,	Lichtenwalter,	Riley,	Wright,
Fiss,	Longo,	Rooney,	Yeakel,
Fleming,	Lovett,	Rose, W. E.,	Yester,
Fletcher,	Lyons,	Rosenfeld,	Young,
Flynn,	Malloy,	Royer,	Kilroy,
For,	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1663, as follows:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W P A Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of three thousand dollars (\$3,000) or so much thereof as shall be necessary is hereby specifically appropriated to the Special Investigating Committee of the House of Representatives appointed pursuant to House Resolution Serial No. 12 adopted by the House of Representatives the seventh day of January one thousand nine hundred and forty-one to reimburse the committee for all reasonable expenses incurred by it in making its investigation and performing its duties in accordance with such resolution

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	McClanaghan,	Sarraf,
Allmond,	Gallagher,	McClester,	Scanlon,
Auker,	Gates,	McDermott,	Schwab,
Baker,	Gerard,	McDowell,	Serrill,
Balthaser,	Gillan,	McFall,	Shaffer,
Baughner,	Gillette,	McGrath,	Shaw,
Bentley,	Goodwin,	McIntosh,	Shepard,
Bentzel,	Greenwood,	McLanahan,	Simons,
Boles,	Gross,	McLane,	Skale,
Boney,	Gryskewicz,	McMillen,	Snyder,
Boorse,	Habbyshaw,	McSurdy,	Sollenberger,
Bower,	Haines,	Meichiorre,	Sorg,
Bradley,	Hamilton,	Modell,	Stambaugh,
Bretherick,	Harkins,	Monks,	Stank,
Brown,	Harris,	Mooney,	Stockham,
Brunner, C. H.,	Heatherington,	Moran,	Tarr,
Brunner, P. A.,	Helm,	Moul,	Tate,
Burns,	Hering,	Muir,	Taylor,
Burris,	Herman,	Munley,	Thompson, E. F.,
Cadwalader,	Hersch,	Nagel,	Thompson, R. L.,
Chervenak,	Hewitt,	Nunemacher,	Trout,

Chudoff,	Holland,	O'Brien,	Turner,
Cohen, M. M.,	Huntley,	O'Connor,	Van Allsburg,
Cohen, R. E.,	Imbrie,	O'Dare,	Verona,
Cook,	James,	O'Mullen,	Vincent,
Cooper,	Jefferson,	O'Neill,	Vogt,
Curdier,	Jones, G. E.,	Owens,	Voldow,
Corrigan,	Jones, P. N.,	Petrocky,	Voorhees,
Croop,	Keenan,	Pettit,	Wagner,
Cullen,	Kenehan,	Polaski,	Watkins,
Dalrymple,	Kline,	Polen,	Weingartner,
Dennison,	Knoble,	Powers,	Weiss,
Di Genova,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dix,	Komorowski,	Rank,	Welsh, M. J.,
Dolon,	Krise,	Rausch,	Williams,
D'Ortona,	Lee, T. H.,	Readinger,	Winner,
Ely,	Lelsey,	Reese, D. P.,	Wolf,
Early,	Leonard,	Reese, R. E.,	Wood, L. H.,
Elliott,	Lesko,	Reynolds,	Wood, N.,
Ely,	Levy,	Rhea,	Woodring,
Falkenstein,	Leydic,	Riley,	Woodside,
Fisher,	Lichtenwalter,	Regan,	Wright,
Fiss,	Longo,	Rooney,	Yeakel,
Fleming,	Lovett,	Rose, W. E.,	Yester,
Fletcher,	Lyons,	Rosenfeld,	Young,
Flynn,	Malloy,	Royer,	Kilroy,
For,	Marks,	Rush,	Speaker.
	Maxwell,	Sarge,	

NAYS—0

The majority required by the Constitutoin having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1570, as follows:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government providing for the distribution and sale of such copies imposing new duties on the Joint State Government Commissoin and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The Department of Property and Supplies is hereby authorized to have printed five thousand copies of the Report on the Organization and Administration of Pennsylvania's State Government prepared by the Joint State Government Commission of the General Assembly in order that such report shall be made available to all interested agencies of the State Government and of the political subdivisions of the Commonwealth

Section 2 Not more than twenty-five hundred (2500) of said copies shall be available for free distribution by the Department of Property and Supplies in accordance with the instructions of the Joint State Government Commission to all members of the General Assembly all departments commissions and boards of the State Government state libraries county law and public libraries county commissioners and other State or local governmental agencies interested in such report

Section 3 The copies of such report not distributed by the Department of Property and Supplies in accordance with the provisions of section two hereof shall be sold by such department in accordance with the provisions of clause (j) of section two thousand four hundred six of the Administrative Code of 1929

Section 4 The Joint State Government Commission is hereby directed to revise such report so that it reflects the organization and administration of Pennsylvania's State Government at the time such report is printed

Section 5 In order to carry out the provisions of this act the sum of nine thousand five hundred dollars (\$9,500) or so much thereof as shall be necessary is

Achterman,	Gallagher,	McClanaghan,	Sarge,
Allmond,	Gates,	McClester,	Sarrafi,
Auker,	Gerard,	McDermott,	Scanlon,
Baker,	Gillan,	McDowell,	Schwab,
Balthaser,	Gillette,	McFall,	Serrill,
Baughner,	Goodwin,	McGrath,	Shaffer,
Bentley,	Greenwood,	McIntosh,	Shaw,
Bentzel,	Gross,	McLanahan,	Shepard,
Boies,	Cryskewicz,	McLane,	Simons,
Boney,	Habbyshaw,	McMillen,	Skale,
Boorce,	Haines,	McSurdy,	Snyder,
Bower,	Hamilton,	Meichlorre,	Sollenberger,
Bradley,	Hare,	Modell,	Sorg,
Bretherick,	Harkins,	Monks,	Stambaugh,
Brown,	Harris,	Mooney,	Stank,
Brunner, C. H.,	Heatherington,	Moran,	Stockham,
Brunner, P. A.,	Helm,	Moul,	Tarr,
Burns,	Hering,	Muir,	Tate,
Burris,	Herman,	Munley,	Taylor,
Cadwalader,	Hersch,	Nagel,	Thompson, E. F.,
Chervenak,	Hewitt,	Nunesmacher,	Thompson, R. L.,
Chudoff,	Holland,	O'Brien,	Trout,
Cohen, M. M.,	Huntley,	O'Connor,	Turner,
Cohen, R. E.,	Imbrie,	O'Dare,	VanAlsbury,
Cook,	James,	O'Mullen,	Verona,
Cooper,	Jefferson,	O'Neill,	Vincent,
Cordier,	Jones, G. E.,	Owens,	Vogt,
Corrigan,	Jones, P. N.,	Petrocky,	Voldow,
Croop,	Kernan,	Pettit,	Voorhees,
Cullen,	Kenehan,	Polaski,	Wagner,
Dairymple,	Kline,	Polen,	Watkins,
Dennison,	Knoble,	Powers,	Weingartner,
DiGenova,	Kolankiewicz,	Prosen,	Weiss,
Dix,	Komorofski,	Rank,	Welsh, E. B.,
Dolon,	Krise,	Rausch,	Welsh, M. J.,
D'Ortona,	Lee, T. H.,	Readinger,	Williams,
Duffy,	Lelsey,	Reese, D. P.,	Winner,
Early,	Leonard,	Reese, R. E.,	Wolf,
Att,	Lesko,	Regan,	Wood, L. H.,
Ely,	Levy,	Reynolds,	Wood, N.,
Enstein,	Leydic,	Rhea,	Woodside,
Fisher,	Lichtenwaiser,	Riley,	Wright,
Fiss,	Longo,	Rooney,	Woodring,

Fleming,	Lovett,	Rose, W. E.,	Yeakel,
Fletcher,	Lyons,	Rosenfeld,	Yester,
Flynn,	Malloy,	Royer,	Young,
Foor,	Marks,	Rush,	Kilroy.
French,	Maxwell,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 502, as follows:

An Act authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania certain land which is the site of an old fortress known as Old Garrison in the City of Franklin Venango County or so much thereof as may be necessary as a historical memorial providing for the control management supervision and improvement thereof authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 For the purpose of perpetuating the stirring memories of the occupation of northwestern Pennsylvania by the forces of France and the building of the fortress known as Old Garrison in 1796 the Department of Property and Supplies with the approval of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase or gift on behalf of the Commonwealth of Pennsylvania so much of that land located in the City of Franklin Venango County upon which is located the site of Old Garrison as may be deemed necessary in order to properly erect and maintain a suitable historical memorial and park The exact amount and location of the land to be acquired shall be determined by the Pennsylvania Historical Commission

Section 2 The Pennsylvania Historical Commission after said property has been acquired is hereby authorized to cooperate with the Daughters of the American Revolution and other interested patriotic societies of the Nation and Commonwealth in providing for the proper and authentic restoration of a replica of said Old Garrison and the maintenance of a suitable park providing a setting for this historical shrine

Section 3 The Pennsylvania Historical Commission after said property has been acquired shall make and enforce rules and regulations for the preservation visitation and maintenance thereof and in cooperation with the Daughters of the American Revolution shall so establish these regulations as to make possible the permanent maintenance of the memorial as a historical patriotic and educational center serving constantly to remind the Americans of the historical role of Pennsylvania in the French and Indian War and the monumental services of George Washington and the founding of our Republic

Section 4 The Pennsylvania Historical Commission is hereby specifically authorized to cooperate with the Daughters of the American Revolution and other patriotic societies in providing for said restoration and to accept any and all moneys which may be raised by public or private subscription through the efforts of said patriotic societies for the purpose of assisting in the erection and maintenance of the Old Garrison memorial Pro-

vided That such moneys shall be accepted by the Pennsylvania Historical Commission in trust and administered in accordance with the statutes providing for the powers and duties of said commission

Section 5 The sum of two thousand five hundred dollars (\$2,500) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition of the aforementioned site in the City of Franklin Venango County

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Breth,	Hare,	Modell,	Stambaugh,
Bretherick,	Harkins,	Monks,	Stank,
Brown,	Harris,	Mooney,	Stockham,
Brunner, C. H.,	Heatherington,	Moran,	Tarr,
Brunner, P. A.,	Helm,	Moul,	Tate,
Burns,	Hering,	Muir,	Taylor,
Burris,	Herman,	Munley,	Thompson, E.,
Cadwalader,	Hersch,	Nagel,	Thompson, R.,
Chervanak,	Hewitt,	Nunemacher,	Trout,
Chudoff,	Holland,	O'Brien,	Turner,
Cohen, M. M.,	Huntley,	O'Connor,	Van Allsburg,
Cohen, R. E.,	Imbrie,	O'Dare,	Verona,
Cook,	James,	O'Mullen,	Vincent,
Cooper,	Jefferson,	O'Neill,	Vogt,
Cordier,	Jones, G. E.,	Owens,	Voldow,
Corrigan,	Jones, P. N.,	Petrosky,	Voorhees,
Croop,	Keenan,	Pettit,	Wagner,
Cullen,	Kenahan,	Polaski,	Watkins,
Dalrymple,	Kline,	Polen,	Weingartner,
Dennison,	Knoble,	Powers,	Welss,
DiGenova,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dix,	Komorowski,	Rank,	Welsh, M. J.,
Dolon,	Krise,	Rausch,	Williams,
D'Ortona,	Lee, T. H.,	Readinger,	Winner,
Duffy,	Leisey,	Reese, D. P.,	Wolf,
Early,	Leonard,	Reese, R. E.,	Wood, L. H.,
Elliott,	Lesko,	Regan,	Wood, N.,
Ely,	Levy,	Reynolds,	Woodring,
Falkenstein,	Leydic,	Rhea,	Woodside,
Fisher,	Lichtenwalter,	Riley,	Wright,
Fiss,	Longo,	Rooney,	Yeakel,
Fleming,	Lovett,	Rose, W. E.,	Yester,
Fletcher,	Lyons,	Rosenfeld,	Young,
Flynn,	Malloy,	Royer,	Kilroy.
Foor,	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1686, as follows:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States providing for the suspension of the enforcement of certain

civil liabilities providing for the re-employment of such persons upon completion of such service and imposing penalties

It has been nationally recognized that because of the emergent conditions which are threatening the peace and imperilling the security of the nation there is imperative need to augment and strengthen the national defense. It is further recognized that the emergent conditions which endanger the national well-being likewise constitutes an imminent threat and hazard to the peace and security of the people of the Commonwealth. Moreover it is acknowledged that the exigencies of national defense requires that the people of the Commonwealth in large numbers be called into armed service and as a consequence the health, prosperity and welfare of all of the people of the Commonwealth is inevitably affected.

In these circumstances and in order to promote and to assist the national defense and thereby to protect the peace, prosperity and health of the people of the Commonwealth it is necessary that citizens and residents of the Commonwealth in the armed service of the United States should be free to devote their entire energy and effort to the defense needs of the nation. To assist in this end it is essential to provide in certain cases for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service. It is further essential in the interest of the prosperity and well-being of the people of the Commonwealth that such persons upon completion of armed service be restored to their former employment.

In the interpretation and application of this act it is hereby declared to be the public policy of the Commonwealth to maintain secure and protect the civil and property rights of persons in the armed service as hereinafter defined.

The legislature hereby declares the existence of a public emergency affecting the health, safety and comfort of the people requiring the enactment of the provisions of this act to protect the vital interests of the Commonwealth.

All the provisions of this act shall be liberally construed for the accomplishment of this purpose.

This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare, prosperity, health and peace of the people of the Commonwealth.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. When used in this act (a) The term "persons in armed service" and the term "persons in the armed service of the United States" shall include all citizens and residents of the Commonwealth in the active armed service of the United States.

(b) The term "armed service" means Federal service on active duty with any branch of armed service of the United States including training or education under the supervision of the United States after induction into the armed service.

(c) The term "active service" or "active duty" shall include the period during which a person in the armed service of the United States is absent from duty on account of sickness, wounds, leave or other lawful cause.

(d) The term "period of armed service" shall include the time between the following dates: For persons in active service on October seventeen, one thousand nine hundred forty, it shall begin with said date for persons entering active service after October seventeen, one thousand nine hundred forty, it shall begin with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service but in no case later than the date when this act ceases to be in force.

(e) The term "person" when used herein with reference to the holder of any right alleged to exist against a person in armed service or against a person secondarily liable under such right shall include individuals,

partnerships, corporations and any other forms of business association.

(f) The term "court" as used herein shall include any court of competent jurisdiction in this Commonwealth whether or not a court of record.

Section 2. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment or decree or the performance of any act may be stayed, postponed or suspended, such stay, postponement or suspension may in the discretion of the court likewise be granted to sureties, guarantors, endorsers and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed or suspended.

When a judgment or decree is vacated or set aside in whole or in part as provided in this act, the same may in the discretion of the court likewise be set aside and vacated as to any surety, guarantor, endorser or other persons liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

Section 3. (a) In any action or proceeding commenced in any court if there shall be a default of an appearance by the defendant, the plaintiff before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in armed service. If unable to file such affidavit, plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the armed service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the armed service, no judgment shall be entered without first securing an order of court directing such entry and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest and the court shall on application make such appointment. Unless it appears that the defendant is not in such service, the court may require as a condition before judgment is entered that the plaintiff file a bond approved by the court conditioned to indemnify the defendant if in armed service against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this act.

Any person who shall make or use an affidavit required hereunder knowing it to be false shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment not to exceed one year or by fine not to exceed one thousand dollars or both.

(b) In any action or proceeding in which a person in armed service is a party, if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this act to protect a person in armed service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(c) If any judgment shall be rendered in any action or proceeding governed by this section against any person in armed service during the period of such service or within thirty days thereafter and it appears that such person was prejudiced by reason of such service in making his defense thereto, such judgment may upon application made by such person or his legal representative not later than ninety days after the termination of such service be opened by the court rendering the same and such defendant or his legal representative let in to defend provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside or reversing any judgment because of any of the provisions of this act

shall not impair any right or title acquired by any bona fide purchaser for value under such judgment

Section 4 At any stage thereof any action or proceeding in any court in which a person in the armed service is involved either as plaintiff or defendant during the period of such service or within sixty days thereafter may in the discretion of the court in which it is pending on its own motion and shall on application to it by such person or some person on his behalf be stayed as provided in this act unless in the opinion of the court the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his armed service

Section 5 When an action for compliance with the terms of any contract is stayed pursuant to this act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay and in any case where a person fails to perform any obligation and a fine or penalty for such non-performance is incurred a court may on such terms as may be just relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the armed service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired

Section 6 In any action or proceeding commenced in any court against a person in the armed service before or during the period of such service or within sixty days thereafter the court may in its discretion on its own motion or on application to it by such person or some person on his behalf shall unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his armed service

(a) Stay the execution of any judgment or order entered against such person as provided in this act and

(b) Vacate or stay any attachment or garnishment of property money or debts in the hands of another whether before or after judgment as provided in this act

Section 7 Any stay of any action proceeding attachment or execution ordered by any court under the provisions of this act may except as otherwise provided be ordered for the period of armed service and three months thereafter or any part of such period and subject to such terms as may be just whether as to payment in installments of such amounts and at such times as the court may fix or otherwise Where the person in the armed service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others

Section 8 The period of armed service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in the armed service or by or against his heirs executors administrators or assigns whether such cause of action shall have accrued prior to or during the period of such service

Section 9 No eviction or distress shall be made during the period of armed service in respect of any premises for which the agreed rent does not exceed eighty dollars (\$80) per month occupied chiefly for dwelling purposes by the wife children or other dependents of a person in armed service except upon leave of court granted upon application therefor or granted in any action or proceeding affecting the right of possession

On any such application or in any such action the court may in its discretion on its own motion and shall on application unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of armed service stay the proceedings for not longer than three months as provided in this act or it may make such other order as may be just

Any person who shall knowingly take part in any eviction or distress otherwise than as provided in this section shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment not

to exceed one year or by fine not to exceed one thousand dollars (\$1,000) or both

Section 10 No person who prior to October seventeen one thousand nine hundred forty has received or whose assignor has received under a contract for the purchase of real or personal property or of lease or bailment with a view to purchase of such property a deposit or installment of the purchase price from a person or from the assignor of a person who after the date of payment of such deposit or installment has entered armed service shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for non-payment of any installment falling due during the period of such armed service except by action in a court of competent jurisdiction Provided however That nothing contained in this section shall prevent the modification termination or cancellation of any such contract or prevent the repossession or retention of property purchased or received under such contract pursuant to a mutual agreement of the parties thereto or their assignees if such agreement is executed in writing subsequent to the making of such contract and during or after the period of armed service of the person concerned

Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof as a condition of terminating the contract and resuming possession of the property or may in its discretion on its own motion and shall except as provided in section twelve hereof on application to it by such person in armed service or some person on his behalf order a stay of proceedings as provided in this act unless in the opinion of the court the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service or it may make such other disposition of the case as may be equitable to conserve the interests of all parties

Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided herein shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment not to exceed one year or by fine not to exceed one thousand dollars (\$1,000) or both

Section 11 The provisions of this section shall apply only to obligations originating prior to October seventeen one thousand nine hundred forty and secured by mortgage trust deed or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him

In any proceeding commenced in any court during the period of armed service to enforce such obligation arising out of non-payment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may after hearing in its discretion on its own motion and shall except as hereinafter provided in this act on application to it by such person in the armed service or some person on his behalf unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of such service

(a) Stay the proceedings as provided in this act or

(b) Make such other disposition of the case as may be equitable to conserve the interests of all parties

No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of armed service or within three months thereafter unless upon an order of sale previously granted by the court and a return thereto made and approved by the court

Section 12 No court shall stay a proceeding to resume possession of a motor vehicle tractor or the accessories of either or for an order of sale thereof where said motor vehicle tractor or accessories are encumbered by a purchase money mortgage conditional sales contract or a lease of bailment with a view to purchase unless

the court shall find that fifty per centum or more of the purchase price of said property has been paid but in any such proceeding the court may before entering an order or judgment require the plaintiff to file a bond approved by the court conditioned to indemnify the defendant if in the armed service against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

Section 13 The provisions of this section shall apply when any taxes or assessments falling due during the period of armed service in respect of real property owned and occupied for dwelling agricultural or business purposes by a person in such service or his dependents at the commencement of his period of armed service and still so occupied by his dependents or employees are not paid.

When any person in the armed service or any person in his behalf shall file with the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments an affidavit showing

(a) That a tax or assessment has been assessed upon property which is the subject of this section

(b) That such tax or assessment is unpaid and

(c) That by reason of such armed service the ability of such person to pay such tax or assessment is materially affected no sale of such property shall be made to enforce the collection of such tax or assessment or any proceeding or action for such purpose commenced except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale as provided in this act for a period extending not more than six months after the termination of the period of armed service of such person.

When by law such property may be sold or forfeited to enforce the collection of such tax or assessment such person in the armed service shall have the right to redeem or commence an action to redeem such property at any time not later than six months after the termination of such service but in no case later than six months after the date when this act ceases to be in force but this shall not be taken to shorten any period now or hereafter provided by the laws of the Commonwealth or any political subdivision thereof for such redemption.

Whenever any tax or assessment shall not be paid when due such tax or assessment due and unpaid shall bear interest until paid at the rate of six per centum per annum and no other penalty or interest shall be incurred by reason of such non-payment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

Section 14 The collection from any person in the armed service of any tax on the income of such person whether falling due prior to or during his period of armed service shall be deferred for a period extending not more than six months after the termination of his period of armed service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax collection of which is deferred for any period under this section shall accrue for such period of deferment by reason of such non-payment. The running of any statute of limitations against collection of such tax by distraint or otherwise shall be suspended for the period of armed service of any individual the collection of whose tax is deferred under this section and for an additional period of nine months beginning with the day following the end of the period of such service.

Section 15 No insurance policy which has not lapsed for the non-payment of premium before the commencement of the period of armed service of the insured shall lapse or be forfeited for the non-payment of premium during the period of such service or during one year after the expiration of such period provided that in no case shall this prohibition extend for more than one year after the date when this act ceases to be in force.

For the purposes of this section the term "policy"

shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association. In no case however shall the term "policy" include insurance exceeding a total face value of five thousand dollars (\$5,000) whether in one or more policies or in one or more companies. The term "premium" shall include membership dues or assessments in such association and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association. The term "insured" shall include any person who is the holder of a policy as defined in this section. The term "insurer" shall include any corporation, partnership or other form of association which secures or provides insurance under any policy as defined herein.

Section 16 In the case of any person who in order to perform armed training and service as herein defined has left or leaves a position other than a temporary position in the employ of any employer and who

(a) receives his certificate of completion of training and service

(b) is still qualified to perform the duties of such position and

(c) makes application for reemployment within forty days after he is relieved from such training and service

If such position was in the employ of a private employer such employer shall restore such person such position or to a position of like seniority status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so.

Any person who is restored to a position in accordance with the provisions of this section shall be considered as having been on furlough or leave of absence during his period of training and service in the armed forces of the United States shall be so restored without loss of seniority shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces and shall not be discharged from such position without cause within one year after such restoration.

In case any private employer fails or refuses to comply with the provisions of this section the court of common pleas within the county in which such private employer maintains a place of business shall have power upon the filing of a motion, petition or other appropriate pleading by the person entitled to the benefits of such provisions to specifically require such employer to comply with such provisions and may as an incident thereto compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Any person claiming to be entitled to the benefits of the provisions of this section may appear and be represented by counsel or upon application to the Attorney General of the Commonwealth may request that the Attorney General appear and act on his behalf. If the Attorney General is reasonably satisfied that the person so applying is entitled to such benefits he shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition or other appropriate pleading and the prosecution thereof in the hearing and determination of such applications under this section no fees or court costs shall be assessed against a person so applying for such benefits.

Section 17 Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest property or contract has since the date of the approval of this act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this act the court shall enter such judgment or make such order as might lawfully be entered or made the provisions of this act to the contrary notwithstanding.

Section 18 In any proceeding under this act a cer-

tificate signed by the Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States service while serving pursuant to law with the United States Navy and signed by the Major General Commandant United States Marine Corps as to persons in the Marine Corps or in any other branch of the United States service while serving pursuant to law with the Marine Corps or signed by an officer designated by any of them respectively for the purpose shall when produced be prima facie evidence as to any of the following facts stated in such certificate That a person named has not been or is or has been in the armed service the time when and the place where such person entered armed service his residence at that time and the rank branch and unit of such service that he entered the dates within which he was in the armed service the monthly pay received by such person at the date of issuing the certificate the time when and place where such person died in or was discharged from such service

Any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same

Where a person in the armed service has been reported missing he shall be presumed to continue in the service until accounted for and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy or any court or board thereof or until such death is found by a court of competent jurisdiction Provided That no period herein limited which begins or ends with the death of such person shall be extended beyond a period of six months after the time when this act ceases to be in force

Section 19 Any interlocutory order made by any court under the provisions of this act may upon the court's own motion or otherwise be revoked modified or extended by it upon such notice to the parties affected as it may require

Section 20 If any clause sentence paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application thereof to other person or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included

Section 21 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 22 This act shall remain in force and effect until July first one thousand nine hundred forty-two Provided That should the United States be then engaged in a war this act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President of the United States and for six months thereafter Provided further That wherever in any section or provision of this act a proceeding remedy privilege stay limitation accounting or other transaction has been authorized or provided with respect to armed service performed prior to the date herein fixed for the termination of this act such section or provision shall be deemed to continue in full force and effect so long as may be necessary for the exercise or enjoyment of such proceeding remedy privilege stay limitation accounting or other transaction

Section 23 This act shall be known and may be

cited and referred to as the "Pennsylvania Soldiers' and Sailors' Civil Relief Act"

Section 24 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	McClanaghan,	Sarraf,
Allmond,	Gates,	McClester,	Scanlon,
Auker,	Gerard,	McDermott,	Schwab,
Baker,	Gillan,	McDowell,	Serrill,
Balthaser,	Gillette,	McFall,	Shaffer,
Baughner,	Goodwin,	McGrath,	Shaw,
Bentley,	Greenwood,	McIntosh,	Shepard,
Bentzel,	Gross,	McLanahan,	Simons,
Boies,	Gryskewicz,	McLane,	Skale,
Boney,	Habbyshaw,	McMillen,	Snyder,
Boorse,	Haines,	McSurdy,	Sollenberger,
Bower,	Hamilton,	Melchiorre,	Sorg,
Bradley,	Hare,	Modell,	Stambaugh,
Bretherick,	Harkins,	Monks,	Stank,
Brown,	Harris,	Mooney,	Stockham,
Brunner, C. H.,	Heatherington,	Moran,	Tarr,
Brunner, P. A.,	Helm,	Moul,	Tate,
Burns,	Hering,	Muir,	Taylor,
Burris,	Herman,	Munley,	Thompson, E.,
Cadwalader,	Hersch,	Nagel,	Thompson, R.,
Chervenak,	Hewitt,	Nunemacher,	Trout,
Chudoff,	Holland,	O'Brien,	Turner,
Cohen, M. M.,	Huntley,	O'Connor,	Van Allsburg,
Cohen, R. E.,	Imbrie,	O'Dare,	Verona,
Cook,	James,	O'Mullen,	Vincent,
Cooper,	Jefferson,	O'Neill,	Vogt,
Cordier,	Jones, G. E.,	Owens,	Voldow,
Corrigan,	Jones, P. N.,	Petrosky,	Voorhees,
Croop,	Keenan,	Pettit,	Wagner,
Cullen,	Kenehan,	Polaski,	Watkins,
Dalrymple,	Kline,	Polen,	Weingartner,
Dennison,	Knoble,	Powers,	Wells,
DiGenova,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dix,	Komorofski,	Rank,	Welsh, M. J.,
Dolon,	Krise,	Rausch,	Williams,
D'Ortona,	Lee, T. H.,	Readinger,	Winner,
Duffy,	Leisey,	Reese, D. P.,	Wolf,
Early,	Leonard,	Reese, R. E.,	Wood, L. H.,
Elliott,	Iesko,	Regan,	Wood, N.,
Ely,	Levy,	Reynolds,	Woodring,
Falkenstein,	Leydic,	Rhea,	Woodside,
Fisher,	Lichtenwalter,	Riley,	Yeakel,
Fiss,	Longo,	Rooney,	Yester,
Fleming,	Lovett,	Rose, W. E.,	Young,
Fletcher,	Lyons,	Rosenfeld,	Kilroy,
Flynn,	Malloy,	Royer,	
Foor,	Marks,	Rush,	
French,	Maxwell,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1487, as follows:

An Act providing for the construction and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of further perpetuating and preserving the memories of the place in Westmoreland County Pennsylvania where on August fifth and sixth one thousand seven hundred and sixty-three occurred the battle of Bushy Run in which Colonel Henry Bouquet defeated the Indians in one of the most decisive engagements in American Colonial history the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission is hereby authorized to construct a stone museum building on that part of the said battlefield or land adjoining the battlefield now owned by the Commonwealth for the purpose of housing and preserving relics of early Indian and Colonial life habits and customs now stored in wooden buildings and such relics as shall hereafter be acquired Plans for such building now in the Bushy Run Battlefield Commission and stone from a quarry located on the said land now owned by the Commonwealth to be utilized in the construction of said museum

Section 2 The sum of forty thousand dollars (\$40,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the construction and maintenance of the aforesaid museum building and the expenses incurred in carrying out the provisions of this act

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burriss,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Welsh,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorofski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	
Ely,	esko,	Regan,	
Falkenstein,	Levy,	Reynolds,	
Fisher,	Leydic,	Rhea,	
Fiss,	Lichtenwalter,	Riley,	
Fleming,	Longo,	Rooney,	
Fletcher,	Lovett,	Rose, W. E.,	
Flynn,	Lyons,	Rosenfeld,	
Foor,	Malloy,	Royer,	
	Marks,	Rush,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 941, as follows:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

The General Assembly of the Commonwealth of Pennsylvania hereby enact as follows

Section 1 The sum of thirty-five thousand dollars (\$35,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property situated in Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy" Such moneys shall be paid out on requisition of the Department of Public Instruction upon presentation of proper vouchers by the Pennsylvania Historical Commission

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Bentley,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burriss,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	Van Allsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Welsh,
Dolon,	Komorofski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winner,
Elliot,	Leonard,	Reese, D. P.,	Wolf,

Elliott, Ely, Falkenstein, Fisher, Fiss, Fleming, Fletcher, Flynn, Foor,	Lesko, Levy, Leydic, Lichtenwalter, Longo, Rush, Lovett, Lyons, Malloy,	Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, W. E., Rosenfeld, Royer,	Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Malloy,
--	---	--	---

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1337, as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend moneys thereon

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of three thousand dollars (\$3,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of any claims against the Commonwealth arising from the failure of the Department of Property and Supplies to enter into lease after owners of premises relying upon instructions from said department had expended sums of money in making alterations and improvements to such premises in accordance with plans and specifications furnished by the Commonwealth and under inspection of Commonwealth employees Payments from this appropriation shall be made on requisition of the Secretary of Property and Supplies with the approval of the Department of Justice

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman, Allmond, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Bretherick, Brown, Brunner, C. H., Brunner, P. A., Burns, Burris, Cadwalader, Chervenak, Chudoff, Cohen, M. M., Cohen, R. E., Cook, Cooper, Cordier, Corrigan,	French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Habbyshaw, Haines, Hamilton, Hare, Harkins, Harris, Heatherington, Helm, Hering, Herman, Hersch, Hewitt, Holland, Huntley, Imbrie, James, Jefferson, Jones, G. E.,	Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Modell, Monks, Mooney, Moran, Moul, Mulr, Munley, Nagel, Nunemacher, O'Brien, O'Connor, O'Dare, O'Mullen, O'Neill,	Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stockham, Tarr, Tate, Taylor, Thompson, E. F., Thompson, R. L., Trout, Turner, VanAllsburg, Verona, Vincent, Vogt,
--	--	---	---

Croop, Cullen, Dalrymple, Dennison, DiGenova, Dix, Dolon, D'Ortona, Duffy, Early, Elliott, Ely, Falkenstein, Fisher, Fiss, Fleming, Fletcher, Flynn, Foor,	Jones, P. N., Keenan, Kenehan, Kilre, Knoble, Kolankiewicz, Kom rofski, Krise, Lee, T. H., Lelsey, Leonard, Lesko, Levy, Leydic, Lichtenwalter, Longo, Lovett, Lyons, Malloy,	Owens, Petrosky, Pettit, Polaski, Polen, Powers, Prosen, Rank, Rausch, Readinger, Reese, D. P., Reese, R. E., Regan, Reynolds, Rhea, Riley, Rooney, Rose, W. E., Rosenfeld, Royer,	Voldow, Voorhees, Wagner, Watkins, Weingartner, Welss, Welsh, E. B., Welsh, M. J., Williams, Winner, Wolf, Wood, L. H., Wood, N., Woodring, Woodside, Wright, Yeakel, Yester, Young, Kilroy, Speaker
--	---	---	---

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1541, as follows:

An Act providing for uniform reports by political subdivisions to departments boards and commissions of the State Government

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Where any political subdivision of the Commonwealth shall be required by law to make a report on the same or substantially the same subject to more than one department board or commission of the State Government the report transmitted to each such agency shall be uniform in form The several departments boards and commissions interested in such reports shall be required to establish uniform forms for the making of such reports and in case such uniform forms are not so prescribed a form prescribed by one such agency may be used to report to any other agency and the filing of a report in such form shall be deemed full compliance with the provisions of law requiring a report to be made to such other agency

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman, Allmond, Auker, Baker, Balthaser, Baughner, Bentley, Bentzel, Boles, Boney, Boorse, Bower, Bradley, Bretherick, Brown, Brunner, C. H., Brunner, P. A.,	French, Gallagher, Gates, Gerard, Gillan, Gillette, Goodwin, Greenwood, Gross, Gryskewicz, Habbyshaw, Haines, Hamilton, Hare, Harkins, Harris, Heatherington,	Marks, Maxwell, McClanaghan, McClester, McDermott, McDowell, McFall, McGrath, McIntosh, McLanahan, McLane, McMillen, McSurdy, Melchiorre, Modell, Monks, Mooney,	Rush, Sarge, Sarraf, Scanlon, Schwab, Serrill, Shaffer, Shaw, Shepard, Simons, Skale, Snyder, Sollenberger, Sorg, Stambaugh, Stank, Stockham,
---	---	--	---

Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAllsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winner,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
For,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 223, as follows:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township Lancaster County or so much thereof as may be necessary as a memorial providing for the control management supervision improvement restoration and maintenance thereof authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 For the purpose of perpetuating the memory of Robert Fulton native son of Pennsylvania one of the world's greatest engineers and inventors a pioneer in the development of steam navigation and builder of the first steam war vessel for the United States the Department of Property and Supplies with the approval of the Pennsylvania Historical Commission is hereby authorized to acquire by purchase condemnation or gift on behalf of the Commonwealth of Pennsylvania one hundred and twenty-seven acres of land in Fulton Township Lancaster County upon which is still standing the birthplace of Robert Fulton or so much thereof as may be necessary and provide for the restoration thereof

Section 2 The Pennsylvania Historical Commission after the said property has been acquired shall make and enforce rules and regulations for the preservation visitation and maintenance thereof so that the property can be used as a recreational and educational center by the people of the Commonwealth

Section 3 The sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the acquisition and restoration of the site upon which the birthplace of Robert Fulton still stands together with adjacent farm lands of the Fulton

family in Fulton Township Lancaster County Pennsylvania Payment from said appropriation shall be made by requisition of the Secretary of the Department of Property and Supplies in the manner provided by law

Section 4 The sum of three thousand dollars (\$3,000) or so much thereof as may be necessary is hereby specifically appropriated to the Pennsylvania Historical Commission for the management supervision repair and maintenance of the property acquired and restored under the provisions of this act Payment from said appropriations should be made upon requisition of the Pennsylvania Historical Commission in the manner prescribed by law

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarraf,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Kerman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAllsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winner,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
For,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1588, Printer's No. 791, was passed over at the request of The SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and
action of House Bill No. 1660, as follows:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" which was added by the act approved the sixth day of June one thousand nine hundred and thirty-nine (P. L. 261) is hereby amended to read as follows

Section 1730) 731 Confidential Information Any information gained by any administrative department board or commission as a result of any returns investigations hearings or verifications required or authorized under the statutes of the Commonwealth imposing taxes or bonus for State purposes or providing for the collection of the same shall be confidential except for official purposes and except that such information may be given to any other state or to the Government of the United States where

such state or the United States by law authorizes the furnishing of similar information to the Commonwealth of Pennsylvania [and any] Any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars (\$500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the Court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Sarge,
Allmond,	Gallagher,	Maxwell,	Sarra,
Auker,	Cates,	McClanaghan,	Scanlon,
Baker,	Gerard,	McClester,	Schwab,
Balthaser,	Gillan,	McDermott,	Serrill,
Baughner,	Gillette,	McDowell,	Shaffer,
Bentley,	Goodwin,	McFall,	Shaw,
Bentzel,	Greenwood,	McGrath,	Shepard,
Boies,	Gross,	McIntosh,	Simons,
Boney,	Gryskewicz,	McLanahan,	Skale,
Boorse,	Habyschaw,	McLane,	Snyder,
Bower,	Haines,	McMillen,	Sollenberger,
Bradley,	Hamilton,	McSurdy,	Sorg,
Bretherick,	Hare,	Melchiorre,	Stambaugh,
Brown,	Harkins,	Modell,	Stank,
Brunner, C. H.,	Harris,	Monks,	Stockham,
Brunner, P. A.,	Heatherington,	Mooney,	Tarr,
Burns,	Helm,	Moran,	Tate,
Burris,	Hering,	Moul,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	VanAllsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dairymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolakiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfield,	Young,
For,	Malloy,	Royer,	Kilroy,
		Rush,	Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1496, as follows:

An Act authorizing the Department of Property and Supplies to construct erect and dedicate on the Capitol grounds at Harrisburg Pennsylvania a memorial to the

memory of James Buchanan and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whereas James Buchanan fifteenth President of the United States was the only native son of Pennsylvania ever to be elected to that high office and

Whereas his Presidency was the climax of a long career of faithful service as legislator and statesman in both state and national capacities and

Whereas the misfortune that the close of his administration fell in the tragic and troubled times at the beginning of the war between the states has tended to obscure his genuine services to the Commonwealth therefore

Section 1 The Department of Property and Supplies with the cooperation of the Pennsylvania Art Commission shall arrange for the construction erection and dedication on the Capitol grounds at Harrisburg of a suitable monument or memorial to the memory of James Buchanan The department shall have power to enter into any and all contracts deemed necessary to carry into effect the provisions of this act

Section 2 The design of the monument or memorial erected under the provisions of this act shall be subject to approval by the Governor

Section 3 The sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the purposes of carrying out the provisions of this act Payments from said appropriation shall be made upon requisition of the Secretary of the Department of Property and Supplies by warrant of the Auditor General on the State Treasurer in the usual manner

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Marks,
Allmond,	French,	Maxwell,
Auker,	Gallagher,	McClanaghan,
Baker,	Gates,	McClester,
Balthaser,	Gerard,	McDermott,
Baughner,	Gillan,	McDowell,
Bentley,	Gillette,	McFall,
Bentzel,	Goodwin,	McGrath,
Boles,	Greenwood,	McIntosh,
Boney,	Gross,	McLanahan,
Boorse,	Gryskewicz,	McLane,
Bower,	Habbysnaw,	McMillen,
Bradley,	Haines,	McSurdy,
Bretherick,	Hamilton,	Melchiorre,
Brown,	Hare,	Modell,
Brunner, C. H.,	Harkins,	Monks,
Brunner, P. A.,	Harris,	Mooney,
Burns,	Heatherington,	Moran,
Burriss,	Helm,	Moul,
Cadwalader,	Hering,	Muir,
Chervenak,	Herman,	Munley,
Chudoff,	Hewitt,	Nagel,
Cohen, M. M.,	Holland,	Nunemacher,
Cohen, R. E.,	Huntley,	O'Brien,
Cook,	Imbrie,	O'Connor,
Cooper,	James,	O'Dare,
Cordier,	Jefferson,	O'Mullen,
Corrigan,	Jones, G. E.,	O'Neill,
Croop,	Jones, P. N.,	Owens,
Cullen,	Keenan,	Petrosky,
Dalrymple,	Kenehan,	Pettit,
Dennison,	Kline,	Polaski,
DiGenova,	Knoble,	Polen,
Dix,	Kolankiewicz,	Powers,
Dolan,	Komorowski,	Prosen,
D'Ortona,	Krise,	Rank,
Duffy,	Lee, T. H.,	Rausch,
Early,	Leisey,	Readinger,
Elliott,	Leonard,	Reese, D. P.,
	Lesko,	Reese, R. E.,

Ely,
Falkenstein,
Fisher,
Fliss,
Fleming,
Fletcher,
Flynn,

Levy,
Leydle,
Lichtenwalter,
Longo,
Lovett,
Lyons,
Malloy,

Regan,
Reynolds,
Rhea,
Riley,
Rooney,
Rose, W. E.,
Rosenfeld,
Royer,

Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 353, as follows:

An Act making an appropriation to the Department of Military Affairs for the maintenance and education of children of soldiers sailors marines female field clerks yeomen (female) and nurses who were killed in action or died during the World War and conferring certain duties upon the State Veterans' Commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of forty thousand dollars (\$40,000) or as much thereof as may be necessary is hereby specifically appropriated to the Department of Military Affairs to be used during the fiscal biennium beginning June first one thousand nine hundred forty-one for paying gratuities for the children between the ages of sixteen and twenty-one years of soldiers sailors marines female field clerks yeomen (female) or members of the enlisted nurse corps of the United States who were killed in action or died from other cause during the World War between the sixth day of April one thousand nine hundred and seventeen and the second day of July one thousand nine hundred and twenty one Such children must have lived in the Commonwealth of Pennsylvania for five years immediately preceding the date upon which the application is filed

Section 2 Gratuities shall be paid out of the appropriation made by this act for the account of such children as shall be certified by the State Veterans' Commission as coming within the class described in section one of this act and as attending any State or State-aided educational or training institution of a secondary or college grade or other institution of higher education business school trade school hospital providing training for nurses school or institution providing courses in beauty culture art radio or undertaking and embalming within this Commonwealth Payments not to exceed the sum of two hundred dollars (\$200) per school per year child shall be made to such institutions upon the submission by such institutions of proof that bills have been incurred or contracted for matriculation fees and other necessary fees tuition board room rent books and supplies for such children in a definite amount for the current school year Such proof shall be submitted to the State Veterans' Commission which shall attach the same to the requisitions prepared for payments out of the appropriations made by this act

Where a child within the class described is completing an educational or training course and before completing the course the child arrives at the age of twenty-one years it shall be lawful for the gratuity to be paid until the course is completed Provided however That gratuities may not be paid for any child for a longer period than four scholastic years

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarrafi,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boies,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Hurtley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAllsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kilne,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winnor,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydie,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1513, as follows:

An Act to further amend section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" by exempting assets held by liquidating trustees

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled as amended "An act to provide revenue

for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as last amended by the act approved the fifth day of May one thousand nine hundred thirty-nine (P. L. 76) is hereby further amended to read as follows

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for State purposes at the rate of four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock tax or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking insti-

tution savings institution employes thrift or savings association whether operated by employes or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a received trustee or other fiduciary nor to personal property formerly held by a banking institution in its own right but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions it being the intent and purpose of this proviso that no tax be assessed or collected for the years one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six one thousand nine hundred and thirty-seven one thousand nine hundred and thirty-eight one thousand nine hundred and thirty-nine one thousand nine hundred and forty and thereafter upon the personal property enumerated herein And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to a tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a non-resident decedent and except as trustee for a resident or non-resident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or asso-

ciation limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Brethrick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Mödel,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Reim,	Moran,	Tarr,
Burriss,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chidoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrle,	O'Connor,	VanAllsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Leisey,	Readinger,	Winnier,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fliss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1662, as follows:

An Act to amend the title and further amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" authorizing the making of contracts for hospitalization and extending the provisions of the act to vocational school districts and institution districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" is hereby amended to read as follows:

An Act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor vocational school districts and institution districts to make contracts of life health hospitalization and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof

Section 2 Section one of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 688) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania or any department or division thereof and any county city borough incorporated town township school district vocational school district or institution district may and are hereby specifically authorized to make contracts of insurance with any insurance company or non-profit hospitalization corporation authorized to transact business within the Commonwealth insuring its employes or any class or classes thereof under a policy or policies of group insurance covering life health hospitalization or accident insurance and may contract with any such company granting annuities or pensions for the pensioning of such employes and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof

The proper officer agency board or commission of any of the above political divisions or subdivisions having authority to enter into such contracts of insurance are hereby authorized enabled and permitted to deduct from the employee's pay salary or compensation such part of the premium as is payable by the employee and as may be so authorized by the employee in writing

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Ailmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Booney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Halilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Scrg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAlsbury,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Voldow,
Croop,	Jones, P. N.,	Owens,	Voorhees,
Cullen,	Keenan,	Petrosky,	Vogt,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winnor,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Wootside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1678, as follows:

An Act to further amend section one thousand one hundred thirty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by removing certain limitations of the appointment of district superintendents

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand one hundred thirty-three of the act approved the eighteenth day of May

one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 491) is hereby further amended to read as follows

Section 1133 The board of school directors in every school district of the first and second class shall and in every district of the third class may by a majority vote of all the members thereof elect a properly qualified person as district superintendent together with such properly qualified assistant district superintendents as it deems wise The directors of any school district required or electing to have a district superintendent of schools shall not participate in the election of a county superintendent and the public schools of any district which has a district superintendent shall not be subject to the superintendence or supervision of a county or an assistant county superintendent but shall all be under the supervision of the district superintendent

[After the first day of July one thousand nine hundred and forty the board of school directors of any school district not employing a district superintendent at the effective date of this act shall before creating the office of district superintendent obtain the approval of the county board of school directors]

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,
Allmond,	Callagher,	Maxwell,
Auker,	Gates,	McClanaghan,
Baker,	Gerard,	McClester,
Balthaser,	Gillan,	McDermott,
Baughner,	Gillette,	McDowell,
Bentley,	Goodwin,	McFall,
Bentzel,	Greenwood,	McGrath,
Boles,	Gross,	McIntosh,
Boney,	Gryskewicz,	McLanahan,
Boorse,	Habbysnaw,	McLane,
Bower,	Haines,	McMillen,
Bradley,	Hamilton,	McSurdy,
Bretherick,	Hare,	Melchiorre,
Brown,	Harkins,	Modell,
Brunner, C. H.,	Harris,	Monks,
Brunner, P. A.,	Heatherington,	Mooney,
Burns,	Helm,	Moran,
Burriss,	Hering,	Moul,
Cadwalader,	Herman,	Muir,
Chervenak,	Hersch,	Munley,
Chudoff,	Hewitt,	Nagel,
Cohen, M. M.,	Holland,	Nunemacher,
Cohen, R. E.,	Huntley,	O'Brien,
Cook,	Imbrie,	O'Connor,
Cooper,	James,	O'Dare,
Cordier,	Jefferson,	O'Mullen,
Corrigan,	Jo. S. G. E.,	O'Neill,
Croop,	Jones, P. N.,	Owens,
Cullen,	Keenan,	Petrosky,
Dalrymple,	Kenehan,	Pettitt,
Dennison,	Kline,	Polaski,
DiGenova,	Knoble,	Polen,
Dix,	Kolankiewicz,	Powers,
Dolon,	Komorofski,	Prosen,
D'Ortona,	Krise,	Rank,
Duffy,	Lee, T. H.,	Rausch,
Early,	Leisey,	Readinger,
Elliot,	Leonard,	Reese, D. P.,
Ely,	Lesko,	Reese, R. E.,
Falkenstein,	Levy,	Regan,

Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1525, as follows:

An Act to amend section seven hundred one and to further amend section seven hundred six of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the various boards of school directors to purchase and furnish free of charge uniforms for the members of school bands and orchestras

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred one of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 701 The boards of school directors of each school district in this Commonwealth shall purchase all necessary furniture equipment text-books school supplies and other appliances for use of the public schools or any department thereof in their respective districts and at their discretion uniforms for the members of any school orchestra or band organized in any school within such district and furnish the same free of cost for use in the schools in said districts subject to such rules and regulations regarding the use and safe-keeping thereof as the boards of school directors may adopt Provided however That the initial expenditure for any uniforms purchased for the use of orchestras or bands by the director of any school district shall not exceed one thousand dollars (\$1,000) and the expenditure for any succeeding year shall not exceed three hundred dollars (\$300) All furniture equipment books school supplies uniforms and other appliances purchased by the board of school directors of any school district in this Commonwealth for the use of the public schools therein shall be purchased in the manner provided in this act

Section 2 Section seven hundred six of said act as amended by the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 689) is hereby further amended to read as follows

Section 706 School supplies shall be divided into two classes The first class shall include school desks chairs typewriters orchestra and band uniforms and school apparatus The second class shall include maps globes and

all other supplies except text-books necessary for school use not included in the first class The board of school directors in any district may authorize or appoint the secretary of the board or other executive as purchasing agent for the district with authority to purchase supplies of either class costing less than one hundred dollars (\$100)

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Marks,	Rush,
Allmond,	French,	Maxwell,	Sarge,
Auker,	Gallagher,	McClanaghan,	Sarra,
Baker,	Gates,	McClester,	Scanlon,
Balthaser,	Gerard,	McDermott,	Schwab,
Baughner,	Gillan,	McDowell,	Serrill,
Bentley,	Gillette,	McFall,	Shaffer,
Bentzel,	Goodwin,	McGrath,	Shaw,
Boles,	Greenwood,	McIntosh,	Shepard,
Boney,	Gross,	McLanahan,	Simons,
Boorse,	Gryskewicz,	McLane,	Skale,
Bower,	Habbyshaw,	McMillen,	Snyder,
Bradley,	Haines,	McSurdy,	Sollenberger,
Bretherick,	Hamilton,	Melchiorre,	Sorg,
Brown,	Hare,	Modell,	Stambaugh,
Brunner, C. H.,	Harkins,	Monks,	Stank,
Brunner, F. A.,	Harris,	Mooney,	Stockham,
Burns,	Heatherington,	Moran,	Tarr,
Burris,	Helm,	Moul,	Tate,
Cadwalader,	Hering,	Muir,	Taylor,
Chervanek,	Herman,	Munley,	Thompson, E. F.,
Chudoff,	Hersch,	Nagel,	Thompson, R. L.,
Cochran,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kilne,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winnier,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
	Malloy,	Royer,	Kilgoy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1529, as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain town-

ship roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing additional routes to be used as a part of the national defense program in the County of Cambria

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In addition to the township roads adopted as State highways in the County of Cambria by the act to which this is a supplement the following sections of township road in said county connecting the Johnstown Municipal Airport which is included as a part of the national defense program with existing State highways are hereby adopted to be taken over and to be maintained and constructed at the expense of the Commonwealth upon the terms and conditions and subject to the limitations and conditions provided in the act to which this is a supplement

Beginning at a point on Route 276 near the Cone-maugh-Richland Township line thence in a southerly and southeasterly direction through Richland Township to a point on Route 11012 near Sandy Run in Cambria County a distance of about 1.7 miles

Beginning at a point on Route 11012 about 2.0 miles east of its intersection with the Conemaugh-Richland Township line thence in a northeasterly direction through Richland Township to a road intersection in Cambria County a distance of about 0.9 of a mile

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervanek,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	Van Allsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kilne,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,

Early,	Leonard,	Readinger,	Winner,
Elliott,	Lelsey,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
For,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 991, Printer's No. 813, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1542, as follows:

An Act to amend Route 55121 as added to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" changing a route in the County of Somerset

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Route 55121 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" which route was added by section two of the act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 806) is hereby amended to read as follows

Route 55121 Beginning at a point on [Route 808 approximately one mile south of Berlin] the southern boundary line of Berlin Borough thence in [an easterly and] a general southerly direction through Brothers Valley Township to the junction of Route 808 in Somerset County a distance of approximately [3.4] 4.1 miles

Section 2. The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Glilan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyhaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burriss,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
L.ffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, David P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, N.,
Ely,	Lesko,	Regan,	Wood, L. H.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
For,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 989, Printer's No. 817, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 722, Printer's No. 808, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 723, as follows:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing em-

ployes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended in part by section five of the act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 162), and as last amended in whole by the act approved the twenty-second day of April one thousand nine hundred and thirty-seven (P. L. 397), is hereby further amended to read as follows

Superannuation Retirement

Section 14 Retirement for superannuation shall be as follows

1. Any contributor who is an employe sixty-two years of age or older may retire for superannuation by filing with the retirement board a written statement duly attested setting forth at what time subsequent to the execution of said application he or she desires to be retired. Said application shall retire said contributor at the time so specified or in the discretion of the retirement board at the end of the school term in which the time so specified occurs

2 Each and every contributor who has attained or shall attain the age of seventy years shall be retired by the retirement board for superannuation forthwith or at the end of the school term in which said age of seventy years is attained

Allowance on Superannuation Retirement

3 On retirement for superannuation a contributor who is an employe shall receive a retirement allowance which shall consist of

(a) A teacher's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of service prior to the age of sixty-two years and

(c) In addition thereto if a present employe a further State annuity of one one-hundred-sixtieth (1/160) of his or her final salary for each year of prior service as certified to said present employe in the certificate issued to him or her by the retirement board under the provisions of section ten of this act

4 Any person sixty-two years of age or older who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsylvania for at least twenty years and who separated from school service for any reason prior to the first day of July one thousand nine hundred and nineteen and who was not thereafter engaged in school service except temporarily for not more than one whole school year or any person who was a class-room teacher principal supervising principal or superintendent in the public schools of Pennsyl-

vania for at least [fifteen] fourteen years and who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen and who still is unable to teach because of such disability shall receive a State compensation equal to one-eightieth of his or her final salary for each year of school service but not less than twenty dollars (\$20) per month if such former teacher shall agree in writing and hold himself or herself ready under the direction of the board of school directors to advise and counsel with school officials to visit and counsel with new teachers to act as substitute teacher when able to examine and report on public school work to visit pupils' homes in the interests of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and helpful to community-school interests. The General Assembly shall from time to time appropriate moneys sufficient to make payments under this subsection. Provided That any teacher who is entitled to receive State compensation hereunder and who is receiving a retirement allowance under the provisions of a local teachers' retirement system shall receive from the Commonwealth only the difference between the compensation to which such teacher would otherwise be entitled under the provisions of this subsection and the annual amount received by such teacher from such local teachers' retirement system

Section 2 This act shall become effective on the first day of June one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarraf,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habyshtaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voidow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenahan,	Polaski,	Watkins,
Dennison,	Kilne,	Polen,	Weingartner,
DiGenova,	Knoble,	Fowers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lisko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
	Lichtenwalter,	Riley,	Wright,

Fliss,	Longo,	Rooney,	Yester,
Fleming,	Lovett,	Rose, W. E.,	Yeakel,
Fletcher,	Lyons,	Rosenfeld,	Young,
Flynn,	Malloy,	Royer,	Kilroy,
Foor,	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1457, as follows:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sections of public roads shall be adopted by the Commonwealth as a State highway and shall be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing State highways and their construction and maintenance

Beginning at a point near a cemetery thence in a general northeasterly direction through Mahoning Township to the village of Climax in Armstrong County thence in a northerly direction through Porter Township to a point on Route 16005 at Goheens Corners in Clarion County a distance of about 4.4 miles

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	Maxwell,	Rush,
Allmond,	Gates,	McClanaghan,	Sarge,
Auker,	Gerard,	McClester,	Sarrafi,
Baker,	Gillan,	McDermott,	Scanlon,
Balthaser,	Gillette,	McDowell,	Schwab,
Baughner,	Goodwin,	McFall,	Serrill,
Bentley,	Greenwood,	McGrath,	Shaffer,
Bentzel,	Gross,	McIntosh,	Shaw,
Boles,	Gryskewicz,	McLanahan,	Shepard,
Boney,	Habbyshaw,	McLane,	Simons,
Boorse,	Eaines,	McMillen,	Skale,
Bower,	Eamilton,	McSurdy,	Snyder,
Bradley,	Hare,	Melchiorre,	Sollenberger,
Bretherick,	Harkins,	Modell,	Sorg,
Brown,	Harris,	Monks,	Stambaugh,
Brunner, C. H.,	Heatherington,	Mooney,	Stank,
Brunner, P. A.,	Helm,	Moran,	Stockham,
Burns,	Hering,	Moul,	Tarr,
Burris,	Herman,	Muir,	Tate,
Cadwalader,	Hersch,	Munley,	Taylor,
Chervenak,	Hewitt,	Nagel,	Thompson, E. F.,
Chudoff,	Holland,	Nunemacher,	Thompson, R. L.,
Cohen, M. M.,	Huntley,	O'Brien,	Trout,
Cohen, R. E.,	Imbrie,	O'Connor,	Turner,
Cook,	James,	O'Dare,	VanAllsburg,
Cooper,	Jefferson,	O'Mullen,	Verona,
Cordier,	Jones G. E.,	O'Neill,	Vincent,
Corrigan,	Jones, P. N.,	Owens,	Vogt,
Croop,	Keenan,	Petrofsky,	Voldow,
Cullen,	Kenehan,	Pettit,	Voorhees,
Dalrymple,	Kilne,	Polaski,	Wagner,
Dennison,	Knoble,	Polen,	Watkins,

DiGenova,	Kolankiewicz,	Powers,	Weingartner,
Dix,	Komorowski,	Prosen,	Weiss,
Dolon,	Krise,	Rank,	Welsh, E. B.,
D'Ortona,	Lee, T. H.,	Rausch,	Welsh, M. J.,
Duffy,	Lelsey,	Readinger,	Williams,
Early,	Leonard,	Reese, D. P.,	Winnier,
Elliott,	Lesko,	Reese, R. E.,	Wolf,
Ely,	Levy,	Regan,	Wood, L. H.,
Falkenstein,	Leydic,	Reynolds,	Wood, N.,
Finestone,	Lichtenwalter,	Rhea,	Woodring,
Fliss,	Longo,	Riley,	Woodside,
Fleming,	Lovett,	Rooney,	Wright,
Fletcher,	Lyons,	Rose, W. E.,	Yeakel,
Flynn,	Malloy,	Rosenfeld,	Yester,
Foor,	Marks,	Royer,	Young,
French,			Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 220, as follows:

An Act to amend section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act requiring the Department of Highways to take over structures bridges and viaducts on State highways in cities of the second class A and third class

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the main-

tenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" is hereby amended to read as follows

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure bridge or viaduct of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act [except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act] not maintained by the city or county [Responsibility for the construction reconstruction and maintenance of [any other structures] such structures bridges and viaducts shall remain with the [city] person association or corporation responsible therefor at the date of the approval of this act But all structures bridges and viaducts on such State highways which are being maintained by the city or county shall be taken over by the Department of Highways upon the effective date of this amendment and shall thereafter be constructed reconstructed repaired and maintained at the sole expense of the Commonwealth]

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 2 This act shall become effective on the first day of July one thousand nine hundred and forty-one

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman.	Gallagher.	Maxwell,	Sarge.
Allmond.	Gates.	McClanaghan.	Sarrafi.
Auker.	Gerard.	McClester.	Scanlon.
Baker.	Gillan.	McDermott.	Schwab.
Balthaser.	Gillette.	McDowell.	Serrill.
Baughner.	Goodwin.	McFall.	Shaffer.

Bentley.	Gross.	McGrath.	Shaw.
Bentzel.	Greenwood.	McIntosh.	Shepard.
Boies.	Gryskewicz.	McLanahan.	Simons.
Boney.	Habbyshaw.	McLane.	Skale.
Boorse.	Haines.	McMillen.	Snyder.
Bower.	Hamilton.	McSurdy.	Sollenberger.
Bradley.	Hare.	Melchiorre.	Sorg.
Bretherick.	Harkins.	Modell.	Stambaugh.
Brown.	Harris.	Monks.	Stank.
Brunner. C. H.	Heatherington.	Mooney.	Stockham.
Brunner P. A.	Heim.	Moran.	Tarr.
Burns.	Hering.	Moul.	Tate.
Burnis.	Herman.	Muir.	Taylor.
Cadwalader.	H. sch.	Munley.	Thompson, E. F.,
Chervenak.	Hewitt.	Nagel.	Thompson, R. L.,
Chudoff.	Holland.	Nunemacher.	Turner.
Cohen. M. M.	Huntley.	O'Brien.	Trout.
Cohen. R. E.	Imbrie.	O'Connor.	VanAllsburg.
Cook.	James.	O'Dare.	Verona.
Cooper.	Jefferson.	O'Mullen.	Vincent.
Cordier.	Jones, G. E.	O'Neill.	Vogt.
Corrigan.	Jones, P. N.	Owens.	Voldow.
Croop.	Keenan.	Petrosky.	Voorhees.
Cullen.	Kenehan.	Pettit.	Wagner.
Dalrymple.	Kline.	Polaski.	Watkins.
Dennison.	Knoble.	Polen.	Weingartner.
DiGenova.	Kolankiewicz.	Powers.	Weiss.
Dix.	Komorowski.	Prosen.	Welsh, E. B.,
Dolon.	Krise.	Rank.	Welsh, M. J.,
D'Ortona.	Lee, T. H.	Rausch.	Williams.
Duffy.	Lelsey.	Readinger.	Winner.
Early.	Leonard.	Reese, D. P.	Wolf.
Elliott.	Lesko.	Reese, R. E.	Wood, L. H.
Ely.	Levy.	Regan.	Wood, N.
Falkenstein.	Leydic.	Reynolds.	Woodring.
Fisher.	Lichtenwalter.	Rhea.	Woodside.
Fiss.	Longo.	Riley.	Wright.
Fleming.	Lovett.	Rooney.	Yeakel.
Fletcher.	Lyons.	Rose, W. E.	Yester.
Flynn.	Malloy.	Rosenfeld.	Young.
Foor.	Marks.	Royer.	Kilroy.
French.		Rush.	

NAYS—0

Speaker.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1191, Printer's No. 711, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1679, Printer's No. 835, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1522, Printer's No. 834, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1706, as follows:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge Pennsylvania providing for the control management and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Pennsylvania Historical Commission is hereby authorized to acquire by gift in the name of the Commonwealth of Pennsylvania from the Harmony Society of Historical Association of the Borough of Ambridge County of Beaver owners thereof a tract of land of 0.655

acres located in the Borough of Ambridge beginning at the northeast corner of the within described parcel this parcel being locally known as a cemetery lot of the Harmony Society (said corner being formed by the intersection of the south line of Central Lane formerly Susannah Street with the west line of Church Street as said streets are shown on the Orchard Plot of lots as laid out by the Fort Pitt Improvement Company of record in the Recorder's office of Beaver County in Plan Book Volume one page 242) thence along the south line of Central Lane S 79° 43' 40" E 166.22 feet to a point thence along dividing line between within described parcel and laid out by the Fort Pitt Improvement Company of record following two (2) courses and distances 1 S 9° 18' 30" E 191.30 feet 2 N 79° 57' E 136.20 feet to a point on the west line of Church Street thence along said west line N 0° 26' 20" W 194.66 feet to a point the place of beginning and known as the Harmony Society Graveyard

Section 2 The title of said real estate shall be taken in the name of the Commonwealth of Pennsylvania and shall before its acquisition be approved by the Department of Justice

Section 3 After the property shall have been acquired by the Commonwealth the Pennsylvania Historical Commission shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for its maintenance using therefor any funds at the disposal of the commission not otherwise specifically appropriated or allocated and to make and enforce rules and regulations for the preservation of the property and visitation thereof by the public

Section 4 After the property shall have been acquired by the Commonwealth of Pennsylvania there shall be no further interments in said parcel of land except the bodies of Mr John S Duss and Mrs. Susanna C Duss former and now surviving members of the Harmony Society

Section 7 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	McClanaghan,
Allmond,	Gates,	McClester,
Auker,	Gerard,	McDermott,
Baker,	Gillan,	McDowell,
Balthaser,	Gillette,	McFall,
Baughner,	Goodwin,	McGrath,
Bentley,	Greenwood,	McIntosh,
Bentzel,	Gross,	McLanahan,
Boles,	Gryskewicz,	McLane,
Boney,	Habbyshaw,	McMillen,
Boorse,	Haines,	McSurdy,
Bower,	Hamilton,	Meichlorre,
Bradley,	Hare,	Modell,
Bretherick,	Harkins,	Monks,
Brown,	Harris,	Mooney,
Brunner, C. H.,	Heatherington,	Moran,
Brunner, P. A.,	Helm,	Moul,
Burns,	Hering,	Muir,
Burris,	Herman,	Munley
Cadwalader,	Hersch,	Nagel
Chervenak,	Hewitt,	Nunemacher
Chudoff,	Holland,	O'Brien,
Cohen, M. M.,	Huntley,	O'Connor,
Cohen, R. E.,	Imbrie,	O'Dare,
Cook,	James,	O'Mullen,
Cooper,	Jefferson,	O'Neill,
Gordier,	Jones, G. E.,	Owens,
Corrigan,	Jones, P. N.,	Petrosky,
Croop,	Keenan,	Pettit,
Cullen,	Kenehan,	Polaski,
Dalrymple,	Kline,	Polen,
Dennison,	Knoble,	Powers,
DiGenova,	Kolankiewicz,	Prosen,
Dix,	Komorofski,	Rank,

Dolon,	Krise,
D'Ortona,	Lee, T. H.,
Duffy,	Leisey,
Early,	Leonard,
Elliot,	Lesko,
Ely,	Levy,
Falkenstein,	Leydic,
Fisher,	Lichtenwalter,
Fiss,	Longo,
Fleming,	Lovett,
Fletcher,	Lyons,
Flynn,	Malloy,
Foor,	Marks,
French,	Maxwell,

Rausch,
Readinger,
Reese, D. P.,
Reese, R. E.,
Rhea,
Riley,
Regan,
Reynolds,
Rooney,
Rose, W. E.,
Rosenfeld,
Royer,
Rush,
Sarge,

Williams,
Winner,
Wolf,
Wood, L. H.,
Wood, N.,
Woodring,
Woodside,
Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1723, as follows:

An Act to amend section four of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" by providing for the appointment compensation and duties of clerks and pages to the majority and minority floor leaders respectively of the Senate and of the House of Representatives

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the first day of July one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number compensation mileage and duties of the officers and employes of the General Assembly and providing for their election or appointment term of office and manner of filling vacancies" is hereby amended to read as follows

Section 4 In addition to the officers and employes herein specified the chief clerk of the Senate is hereby authorized to appoint for the session not more than four stenographers for the use of the members and officers of the Senate and the chief clerk of the House of Representatives is hereby authorized to appoint for the session not more than six stenographers for the use of the members and officers of the House of Representatives The salary of each of the stenographers specified in this section shall be five dollars per diem

The majority floor leader and the minority floor leader in both the Senate and the House of Representatives are each hereby authorized to appoint one clerk and one page and to prescribe their respective duties The clerk to each of the aforesaid majority and minority floor leaders shall receive a salary of two thousand four hundred dollars (\$2,400) per annum and the page to each of such floor leaders shall receive compensation of seven hundred and twenty dollars (\$720) per annum

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gates,	McClanaghan,	Sarge,
------------	--------	--------------	--------

Allmond,	Gallagher,	McClester,	Sarraff,
Auker,	Gerard,	McDermott,	Scanlon,
Baker,	Gillan,	McDowell,	Schwab,
Balthaser,	Gillette,	McFall,	Serrill,
Baugher,	Goodwin,	McGrath,	Shaffer,
Bentley,	Greenwood,	McIntosh,	Shaw,
Bentzel,	Gross,	McLanahan,	Shepard,
Boles,	Gryskewicz,	McLane,	Simons,
Boney,	Habbyshaw,	McMillen,	Skale,
Boorse,	Haines,	McSurdy,	Snyder,
Bower,	Hamilton,	Melchiorre,	Sollenberger,
Bradley,	Hare,	Modell,	Sorg,
Bretherick,	Harkins,	Monks,	Stambaugh,
Brown,	Harris,	Mooney,	Stank,
Brunner, C. H.,	Heatherington,	Moran,	Stockham,
Brunner, P. A.,	Heim,	Moul,	Tarr,
Burns,	Hering,	Muir,	Tate,
Burris,	Herman,	Munley,	Taylor,
Cadwalader,	Hersch,	Nagel,	Thompson, E. F.,
Chervenak,	Hewitt,	Nunemacher,	Thompson, R. L.,
Chudoff,	Holland,	O'Brien,	Trout,
Cohen, M. M.,	Huntley,	O'Connor,	Turner,
Cohen, R. E.,	Imbrie,	O'Dare,	VanAllsburg,
Cook,	James,	O'Mullen,	Verona,
Cooper,	Jefferson,	O'Neill,	Vincent,
Cordier,	Jones, G. E.,	Owens,	Vogt,
Corrigan,	Jones, P. N.,	Petrosky,	Voldow,
Croop,	Keenan,	Pettit,	Voorhees,
Cullen,	Kenehan,	Polaski,	Wagner,
Dalrymple,	Kline,	Polen,	Watkins,
Dennison,	Knoble,	Powers,	Weingartner,
DiGenova,	Kolankiewicz,	Prosen,	Weiss,
Dix,	Komorowski,	Rank,	Welsh, E. B.,
Dolon,	Krise,	Rausch,	Welsh, M. J.,
D'Ortona,	Lee, T. H.,	Readinger,	Williams,
Duffy,	Lelsey,	Reese, D. P.,	Winner,
Early,	Lesko,	Reese, R. E.,	Wolf,
Elliott,	Leonard,	Regan,	Wood, L. H.,
Ely,	Levy,	Reynolds,	Wood, N.,
Falkenstein,	Leydic,	Rhea,	Woodring,
Fisher,	Lichtenwalter,	Riley,	Woodside,
Fiss,	Longo,	Rooney,	Wright,
Fleming,	Lovett,	Rose, W. E.,	Yeakel,
Fletcher,	Lyons,	Rosenfeld,	Yester,
Flynn,	Malloy,	Royer,	Young,
Foor,	Marks,	Rush,	Kilroy, Speaker
French,	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1366, as follows:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred thirty-three (P. L. 1001), entitled "An act providing for the regulation of aeronautics within this Commonwealth conferring powers and imposing duties upon the Department of Revenue in respect thereto providing for the licensing and registration of airman and aircraft establishing the legal status of air navigation providing for sovereignty in and ownership of space providing for lawfulness of flights regulating civil causes of action arising out of operation of aircraft fixing the status of contracts crimes and torts in by or by means of operation of aircraft imposing duties upon officers burgesses magistrates aldermen justices of the peace the courts and clerks thereof providing for denial or revocation of licenses providing for certain penalties and their disposition and repealing certain existing laws" as amended by transferring from the Department of Revenue to the Department of Military Affairs powers and duties with respect to aeronautics

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1367, as follows:

An Act to amend the title and the act approved the seventh day of May one thousand nine hundred thirty-five (P. L. 130), entitled "An act providing for the service of process in civil suits on nonresident operators or nonresident owners or a resident who becomes a nonresident and conceals his whereabouts of aircraft operated within or above the Commonwealth of Pennsylvania and making the operation of such an aircraft within or above the Commonwealth of Pennsylvania the equivalent of the appointment of the Secretary of Revenue of the Commonwealth of Pennsylvania as the agent of the said nonresident upon whom civil process may be served and providing for further notice to the defendant in any such suit" by making the Adjutant General in lieu of the Secretary of Revenue the agent for the service of process in certain civil suits involving aircraft

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1368, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund" as reenacted and amended by making the moneys in the Motor License Fund available to the Department of Military Affairs instead of the Department of Revenue with respect to aeronautical matters

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1369, as follows:

An Act to amend the title and the act approved the twenty-fifth day of May one thousand nine hundred

thirty-three (P. L. 1016) entitled "An act relating to aeronautics providing for the maintenance and operation of intermediate landing fields and air navigation facilities by the Commonwealth alone or in cooperation with the United States Government or political subdivisions of the Commonwealth providing for the execution of leases or the issuance of licenses to the United States Government or to political subdivisions of the Commonwealth for the maintenance of navigation facilities on intermediate landing fields of the Commonwealth conferring powers and duties on the Department of Revenue with respect thereto and repealing certain acts and parts of acts" by transferring from the Department of Revenue to the Department of Military Affairs certain powers and duties with respect to aeronautics

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1462, Printer's No. 827, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 389, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the Farview State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania a certain tract or tracts of land now owned by Rice Coal Company and a certain tract or tracts of land now owned by Rice Coal and Jennie G Bassett and William H Bassett both or all tracts situated in Canaan Township Wayne County Pennsylvania and contiguous to the present property of said hospital so as to rectify the property lines thereof and make possible the use of said lands with the buildings thereon for the said hospital

Section 2 Said tract or tracts of land when purchased shall be added to the lands of the Farview State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Section 3 The said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 4 The sum of fourteen thousand dollars (\$14,000) or so much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of tracts of land and the expenses incidental thereto including title searches

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Foor,	Marks,	Rush,
Allmond,	French,	Maxwell,	Sarge,
Auker,	Gallagher,	McClanaghan,	Sarrafi,
Baker,	Gates,	McClester,	Scanlon,
Balthaser,	Gerard,	McDermott,	Schwab,
Baughner,	Gillan,	McDowell,	Serrill,
Bentley,	Gillette,	McFall,	Shaffer,
Bentzel,	Goodwin,	McGrath,	Shaw,
Boles,	Greenwood,	McIntosh,	Shepard,
Boney,	Gross,	McLanahan,	Simons,
Boorse,	Gryskewicz,	McLane,	Skale,
Bower,	Habbyshaw,	McMillen,	Snyder,
Bradley,	Haines,	McSurdy,	Sollenberger,
Bretherick,	Hamilton,	Melchiorre,	Sorg,
Brown,	Hare,	Modell,	Stambaugh,
Brunner, C. H.,	Harkins,	Monks,	Stank,
Brunner, P. A.,	Harris,	Mooney,	Stockham,
Burns,	Heatherington,	Moran,	Tarr,
Burtis,	Helm,	Moul,	Tate,
Cadwalader,	Hering,	Mulr,	Taylor,
Chervenak,	Herman,	Munley,	Thompson, E. F.,
Chudoff,	Hersch,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Hewitt,	Nunemacher,	Trout,
Cohen, R. E.,	Holland,	O'Prin,	Turner,
Cook,	Huntley,	O'Connor,	Van Allsburg,
Cooper,	Imbrie,	O'Dare,	Verona,
Cordier,	James,	O'Mullen,	Vincent,
Corrigan,	Jefferson,	O'Neill,	Vogt,
Croop,	Jones, G. E.,	Owens,	Voldow,
Cullen,	Jones, P. N.,	Petrosky,	Voorhees,
Dalrymple,	Keenan,	Pettit,	Wagner,
Dennison,	Kenehan,	Polaski,	Watkins,
DiGenova,	Kline,	Polen,	Weingartner,
Dix,	Knoble,	Powers,	Wells,
Dolon,	Kolankiewicz,	Prosen,	Welsh, E. B.,
D'Ortona,	Komorofski,	Rank,	Welsh, M. J.,
Duffy,	Krise,	Rausch,	Williams,
Early,	Lee, T. H.,	Readinger,	Winner,
Elliott,	Leisey,	Reese, D. P.,	Wolf,
Ely,	Leonard,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Lesko,	Regan,	Wood, N.,
Finnerty,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
	Malloy,	Royer,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1002, Printer's No. 341, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 990, Printer's No. 275, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1323, as follows:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange

for the conveyance by said city of Wildwood Park to the Commonwealth providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the consent of the Department of Military Affairs and subject to the approval of the Governor is hereby empowered to sell and convey all of the grounds buildings utilities or other facilities of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for a grant and conveyance by the City of Harrisburg of two thousand five hundred acres more or less of woodland in Susquehanna Township northeast of said city now known as "Wildwood Park" Before such exchange of conveyances shall be made the title to Wildwood Park acquired by the Commonwealth shall be approved by the Department of Justice

Section 2 The Department of Military Affairs is hereby authorized to take and remove the fence now surrounding the property of the Pennsylvania State Arsenal for use on other property subject to the control of the Department of Military Affairs and to transfer all State and Federal supplies that may be now stored in the arsenal to other property under the control of the department In the event such removal or transfer have not been effected prior to the conveyance hereinbefore authorized such conveyance shall be made subject to the right of the Department of Military Affairs to remove the same

Section 3 The property at Wildwood Park to be acquired by the Commonwealth shall be transferred to the Department of Forests and Waters which shall maintain the same as a State park

Section 4 The act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 671) entitled "An act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell or exchange and convey the property of the Pennsylvania State Arsenal at Harrisburg appropriating the proceeds thereof to the Department of Military Affairs and providing for the construction of an arsenal or warehouse on the military reservation at Indiantown Gap and for the removal of State and Federal supplies thereto" is hereby repealed

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Alimond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughar,	Gillette,	McDowell,	Serill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyslaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradlev,	Hamilton,	McSurdy,	Soilenberger,
Bretherick,	Hare,	Meichtorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Leatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,

Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Coker, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAlsbury,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrosky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Leisey,	Readinger,	Winner,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeake,
Flynn,	Lyons,	Rose, W. E.,	Yester,
For,	Mailoy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 847, Printer's No. 457, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1709, Printer's No. 815, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1488, as follows:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States during a national emergency under licenses or registrations issued by the Department of Public Instruction and brokers licenses issued by the Department of Insurance to practice professions or to work at trades or occupations and providing for renewals after discharge from such service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Any person licensed by the Department of Public Instruction or to whom a broker's license has been issued by the Department of Insurance to practice any profession or to work at any trade or occupation who heretofore has or shall hereafter enlist or be inducted or drafted into the military or naval service of the United States in time of war or preparation for national defense during a national emergency shall not thereby forfeit his or her license or registration nor shall he or she during such period of service be required to renew such license or registration in any case where annual or other periodic renewals are required Any such person upon presentation of a discharge from such service within one year from date thereof and upon payment of the fee prescribed by law for the current renewal period only shall be entitled to a renewal of his or her license or registration in the same manner as though such renewal

had been made prior to the expiration of his or her last preceding renewal and as though all intermediate renewal fees had been paid

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voidow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	W'ner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
Foor,	Malloy,	Royer,	Kilroy, Speaker.
	Marks,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1432, Printer's No. 848, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1705, Printer's No. 849, was passed over at the request of the SPEAKER.

There being no objection House Bill No. 1431, Printer's No. 850, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 916, as follows:

An Act making an appropriation to the Department of Highways for the erection and construction of ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg and for the construction of the necessary approaches thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of fifty-eight thousand dollars (\$58,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Highways for the erection and construction of reenforced concrete ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg between the bridge over the Kiskiminitas River and the end of First Street and for the construction and improvement of the necessary approaches thereto being School Street between the end of said bridge and the proposed ramp and First Street between the end of Main Street and the proposed ramp

Section 2 Such ramp shall be constructed by the Department of Highways or by contract let by the department in the same manner and with like powers as in the case of bridges on State highways Such ramp when erected and constructed shall be thereafter maintained by the Department of Highways out of moneys in the Motor License Fund

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Simons,
Boney,	Gryskewicz,	McLanahan,	Shepard,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Monks,	Stambaugh,
Brunner, C. H.,	Harris,	Mooney,	Stank,
Brunner, P. A.,	Heatherington,	Moran,	Stockham,
Burns,	Helm,	Moul,	Tarr,
Burris,	Hering,	Muir,	Tate,
Cadwalader,	Herman,	Munley,	Taylor,
Chervenak,	Hersch,	Nagel,	Thompson, E. F.,
Chudoff,	Hewitt,	Nunemacher,	Thompson, R. L.,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voidow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	W'ner,
Early,	Lelsey,	Reese, D. P.,	

Elliott,	Leonard,	Reese, R. E.,	Wolf,
Ely,	Lesko,	Regan,	Wood, L. H.,
Falkenstein,	Levy,	Reynolds,	Wood, N.,
Fisher,	Leydic,	Rhea,	Woodring,
Fiss,	Lichtenwalter,	Riley,	Woodside,
Fleming,	Longo,	Rooney,	Wright,
Fletcher,	Lovett,	Rose, W. E.,	Yeakel,
Flynn,	Lyons,	Rosenfeld,	Yester,
Foor,	Malloy,	Royer,	Young,
			Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 917, as follows:

An Act establishing certain public roads and streets in the borough of West Leechburg Westmoreland County in the township of Gilpin and the borough of Leechburg Armstrong County as a state highway providing for their construction and maintenance by the Department of Highways and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sections of public roads shall be adopted by the Commonwealth as a state highway and shall be constructed and maintained at the expense of the Commonwealth under the provisions of present or future laws governing state highways and their construction and maintenance in the various municipal or political subdivisions wherein located

Beginning at a point on Route 64196 at its intersection with Hill Avenue thence in a general northeasterly direction over Hill Avenue Main Street First Street and School Street to the Westmoreland-Armstrong County thence in a southeasterly and southerly direction through Gilpin Township Armstrong County to the Gilpin Township-Leechburg Borough line thence continuing in a southwesterly direction to its intersection with State highway route number 66 in Leechburg Borough Armstrong County line in West Leechburg Borough Westmoreland County a Distance of about 2.31 miles

Section 2 So much of the money in the Motor License Fund as may from time to time be needed to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for such purposes

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allimond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boies,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skaie,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,

Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burriss,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Leisey,	Reese, D. P.,	Wolf,
Elliott,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
Foor,	Malloy,	Royer,	Kilroy, Speaker.
	Marks,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 664, as follows:

An Act to amend section seventy-six of the act approved the sixteenth day of June one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions" by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seventy-six of the act approved the sixteenth day of June one thousand eight hundred and thirty-six (P. L. 755) entitled "An act relating to executions" is hereby amended to read as follows

Section 76 If the defendant in any judgment for the recovery of money shall have no real or personal estate in the county where such judgment may be obtained it shall be lawful for the plaintiff upon his own suggestion of that fact verified by affidavit without any previous writ to have a testatum writ of fieri facias directed to the sheriff or coroner of any other county where the defendant may have real or personal estate which shall be made returnable into the court from which it shall issue Provided however That in cases where judgment has been entered by confession a transcript of the entire record shall be delivered with the writ and the defendant if judgment is entered in a county other than that in which the obligation was given and if he has not already done so in the county where the judgment was entered shall be permitted to interpose a defense to such judgment in the county to which the writ is directed which shall be determined by the courts of said county and the final determination shall be certified by the prothonotary of the latter county to the court where the judgment was originally entered

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	Gallagher,	McClanaghan,	Sarraf,
Allmond,	Gates,	McClester,	Scanlon,
Auker,	Gerard,	McDermott,	Schwab,
Baker,	Gillan,	McDowell,	Serrill,
Balthaser,	Gillette,	McFall,	Shaffer,
Baughner,	Goodwin,	McGrath,	Shaw,
Bentley,	Greenwood,	McIntosh,	Shepard,
Bentzel,	Gross,	McLanahan,	Simons,
Boles,	Gryskewicz,	McLane,	Skale,
Boney,	Habbyshaw,	McMillen,	Snyder,
Boorse,	Haines,	McSurdy,	Sollenberger,
Bower,	Hamilton,	Melchiorre,	Sorg,
Bradley,	Hare,	Modell,	Stambaugh,
Bretherick,	Harkins,	Monks,	Stank,
Brown,	Harris,	Mooney,	Stockham,
Brunner, C. H.,	Heatherington,	Moran,	Tarr,
Brunner, P. A.,	Helm,	Moul,	Tate,
Burns,	Hering,	Muir,	Taylor,
Burris,	Herman,	Munley,	Thompson, E. F.,
Cadwalader,	Hersch,	Nagel,	Thompson, R. L.,
Chervenak,	Hewitt,	Nunemacher,	Trout,
Chudoff,	Holland,	O'Brien,	Turner,
Cohen, M. M.,	Huntley,	O'Connor,	Van Allsburg,
Cohen, R. E.,	Imbrie,	O'Dare,	Verona,
Cook,	James,	O'Mullen,	Vincent,
Cooper,	Jefferson,	O'Neill,	Vogt,
Cordier,	Jones, G. E.,	Owens,	Voldow,
Corrigan,	Jones, P. N.,	Petrosky,	Voorhees,
Croop,	Keenan,	Pettit,	Wagner,
Cullen,	Kenahan,	Polaski,	Watkins,
Dalrymple,	Kline,	Polen,	Weingartner,
Dennison,	Knoble,	Powers,	Weiss,
DiGenova,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dix,	Komorowski,	Rank,	Welsh, M. J.,
Dolon,	Krlse,	Rausch,	Williams,
D'Ortona,	Lee, T. H.,	Readinger,	Winnier,
Dr. fly,	Leisey,	Reese, D. P.,	Wolf,
Early,	Leonard,	Reese, R. E.,	Wood, L. H.,
Elliott,	Lesko,	Regan,	Wood, N.,
Ely,	Levy,	Reynolds,	Woodring,
Falkenstein,	Leydic,	Rhea,	Woodside,
Fisher,	Lichtenwalter,	Riley,	Wright,
Fiss,	Longo,	Rooney,	Yeakel,
Fleming,	Lovett,	Rose, W. E.,	Yester,
Fletcher,	Lyons,	Rosenfeld,	Young,
Flrnn,	Malloy,	Royer,	Kilroy,
Foor,	Marks,	Rush,	
French,	Maxwell,	Sarge,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER. For the information of the Members the House Bills that were passed over during this morning's session, were passed over at the request of both floor leaders. If there is no objection, these bills will remain on the calendar in their order. The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The House resumed the consideration on final passage of House Bill No. 1524, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and forty-one (Act No. 17), entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class), city (except cities of the first and second class), borough, town, township, school district (except school districts of the first class), poor district (except in counties of the second class), and county institution district (except in counties of the second class) taxes; prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof," eliminating the provision authorizing the rejection of the provisions of the act.

On the question recurring,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. WEISS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. MAXWELL. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Weiss, vote on the third reading of this bill?

Mr. WEISS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Maxwell, vote on the third reading of this bill?

Mr. MAXWELL. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. WEISS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 1 of title, by striking out the words "section one" and inserting in lieu thereof: "sections one, two, three and six."

Amend title, page 1, last two lines of title, by striking out the words "provision authorizing the rejection of the provisions of the act" and inserting in lieu thereof: "powers of taxing authorities to reject certain provisions of the act, making the act effective as to properties upon which the period of redemption has expired, and in certain cases, permitting tax sales of real estate during the period of time such sales are prohibited by said act."

Amend Sec. 1, page 2, line 1, by striking out the words "Section one" and inserting in lieu thereof: "Sections one, two, three and six".

Amend Sec. 1, page 2, line 12, by striking out the word "is" and inserting in lieu thereof: "are".

Amend Sec. 1 (Sec. 1), page 2, lines 26 and 29, by striking out the light-face bracket before the word "unless" in line 26, after the word "act" in line 29.

Amend Sec. 1 (Sec. 1), page 2, line 29, by inserting at the end of said line, the following: "relating to installment payments of such delinquent taxes as provided by this section. In all cases whether or not the tax levying authorities have heretofore rejected or shall hereafter reject the provisions of the act to which this is an amendment, the provisions of section two of said act which, under certain conditions, extends the benefits of said act to taxpayers and owners who pay the entire amount of such delinquent taxes at one time, shall be mandatory as to all taxing authorities coming within the scope of said act."

Amend Sec. 1, page 4, by inserting between lines 7 and 8, the following:

Section 2. Any taxpayer or owner having the right of redemption, or person having purchased such real property from a political subdivision after the period of redemption has expired, may anticipate the payment of such delinquent taxes for the year one thousand nine hundred and forty and previous years at any time on or before November first, one thousand nine hundred and forty-one, by paying the entire amount of such delinquent taxes and receive the benefit of this act, and, in such cases, payment of the taxes assessed and levied for the year one thousand nine hundred and forty-one shall be required at the time of such payment.

Section 3. This act shall be construed to apply to all such taxes, whether or not such taxes have been returned to the Commissioner's office or to the treasurer of any city for nonpayment, or liens therefore have been filed in the office of the prothonotary of the county, or proceedings for the collection of such taxes have been instituted in any court in said county, or where real property has been sold to a county, city, borough, town, township, school district or county institution district at a tax sale or on a tax lien [and the period of redemption has not expired] but this act shall not be construed to apply to cases where real property has been sold other than to a county, city, borough, town, township, school district, or county institution district at a tax sale or on a tax lien and where the period of redemption has [not] expired, the act shall apply only as provided in section two. The taxpayer shall be liable for the payment of all costs incurred, except the solicitor's fees, where such taxes have been returned for nonpayment or liens therefor have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 6. In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act, no real property shall be sold for nonpayment of taxes before November first, one thousand nine hundred and forty-one, unless the written consent of the registered or real owner thereof is filed of record in the proceedings, and any tax sale shall be adjourned or readjusted or right of redemption extended as often as may be necessary for this purpose. If any tax sale is adjourned or readjusted or right of redemption extended after advertisement or sale, no additional advertisement or notice shall be necessary for the adjourned or readjusted sale or right of redemption. No such adjournment or readjustment or redemption, failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid, or sale had subject to redemption, but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act: Provided, however, That in every case where a taxpayer avails himself of the privileges or benefits of this act, the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file, preserve or maintain the lien of the said taxes.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON THIRD READING

Mr. MELCHIORRE asked and obtained unanimous consent to call up out of order House Bill No. 1537 (Senate Bill No. 381) Printer's No. 360, on page 21 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1537, (Senate Bill No. 381), entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes. by counties of the second third fourth fifth sixth seventh and eighth classes

On the question,

Will the House agree to the bill on third reading?

Mr. MELCHIORRE. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Section 1, Page 2, Line 17, by striking out the word "railroad".

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. MOUL asked and obtained unanimous consent to call up out of order House Bill No. 1650, Printer's No. 844, on page 36 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1650, as follows:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships with the approval of the Water and Power Resources Board to enter into certain agreements with and to grant and convey to the United States certain rights and easements in and relative to the highways streets roads and bridges thereof and lands bordering the same over which such governmental units may have control

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any case where the United States Government or any agency thereof under the authority of an act of Congress has heretofore commenced or finished or shall hereafter commence or finish any work on or construction of a retarding dam channel improvement or

other flood control project in relation to any river stream or creek in this Commonwealth and the authorized representatives of the United States deem it necessary for the successful operation of said flood control project and for the safety of life and preservation of property to secure from the Commonwealth or any political subdivision thereof certain easements and rights in or relative to the highways roads streets and bridges thereof and the land bordering the same over which such governmental units may have control the Commonwealth and the various political subdivisions thereof are hereby authorized to grant to the United States such easements and rights and to enter into agreements therewith as hereinafter provided

Section 2 The Secretary of Highways acting for the Commonwealth the county commissioners of any county the mayor of any city and the burgess of any borough with the approval of the city or borough council and the commissioners or supervisors of any township may with the approval of the Water and Power Resources Board enter into an agreement with or execute a deed to the United States or any agency thereof granting and conveying thereto the following perpetual rights and easements to be exercised whenever in the judgment of the representatives of the United States it is necessary

(1) To flood for temporary periods any highways street bridge viaduct or road or any portion thereof over which the Commonwealth or the political subdivision has control and which is designated in such agreement or deed Such highways streets bridges viaducts and roads shall continue to be maintained by the State or its local subdivisions and the United States shall not be liable for any damages resulting from personal injuries death or damage to property that may at any time result from the exercise of any right or easement granted under the provisions of this act

(2) To enter upon said highways streets bridges and roads and the lands bordering the same over which the Commonwealth or the political subdivision has control to widen the aforesaid river stream or creek through or along said lands to erect structures revetments and bank slopes upon said lands and to inspect maintain and operate said structures revetments and bank slopes

(3) To relocate roads streets bridges viaducts and other public works and improvements at the cost of the United States The relocation of State highway routes may be made without regard to terminal or intermediate points mentioned in the law establishing such routes Agreements may provide for abandonment of existing roads streets bridges viaducts and public works and improvements whether or not supplied by relocations

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarraf,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McIntosh,	Simons,
Boney,	Gryskewicz,	McLanahan,	Skale,
Boorse,	Habbyhaw,	McLane,	Snyder,
Bower,	Haines,	McMillen,	Sollenberger,
Bradley,	Hamilton,	McSurdy,	Sorg,
Bretherick,	Hare,	Melchorre,	Stambaugh,
Brown,	Harkins,	Modell,	Stank,
Brunner, C. H.,	Harris,	Monks,	Stockham,
		Mooney,	

Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Helm,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cudwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	VanAllsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dalrymple,	Kenehan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingarten,
DiGenova,	Knoble,	Powers,	Wels,
Dix,	Kolankiewicz,	Prosen,	Wels E. B.,
Dolon,	Komorofski,	Rank,	Wels M. J.,
D'Ortona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Leisey,	Reese, D. R.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydic,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
Foor,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ACHTERMAN asked and obtained unanimous consent to call up out of order House Bill No. 1382, (Senate Bill No. 448), Printer's No. 139, on page 33 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1382, (Senate Bill No. 448), entitled:

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P L 566) entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Maxwell,	Sarge,
Allmond,	Gallagher,	McClanaghan,	Sarra,
Auker,	Gates,	McClester,	Scanlon,
Baker,	Gerard,	McDermott,	Schwab,
Balthaser,	Gillan,	McDowell,	Serrill,
Baughner,	Gillette,	McFall,	Shaffer,
Bentley,	Goodwin,	McGrath,	Shaw,
Bentzel,	Greenwood,	McIntosh,	Shepard,
Boles,	Gross,	McLanahan,	Simons,
Boney,	Gryskewicz,	McLane,	Skale,
Boorse,	Habbyshaw,	McMillen,	Snyder,
Bower,	Haines,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Mechlörre,	Sorg,
Pretherick,	Hare,	Modell,	Stambaugh,
Brown,	Harkins,	Monks,	Stank,
Brunner, C. H.,	Harris,	Mooney,	Stockham,
Brunner, P. A.,	Heatherington,	Moran,	Tarr,
Burns,	Heim,	Moul,	Tate,
Burris,	Hering,	Muir,	Taylor,
Cadwalader,	Herman,	Munley,	Thompson, E. F.,
Chervenak,	Hersch,	Nagel,	Thompson, R. L.,
Chudoff,	Hewitt,	Nunemacher,	Trout,
Cohen, M. M.,	Holland,	O'Brien,	Turner,
Cohen, R. E.,	Huntley,	O'Connor,	Van Allsburg,
Cook,	Imbrie,	O'Dare,	Verona,
Cooper,	James,	O'Mullen,	Vincent,
Cordier,	Jefferson,	O'Neill,	Vogt,
Corrigan,	Jones, G. E.,	Owens,	Voldow,
Croop,	Jones, P. N.,	Petrosky,	Voorhees,
Cullen,	Keenan,	Pettit,	Wagner,
Dairymple,	Kenahan,	Polaski,	Watkins,
Dennison,	Kline,	Polen,	Weingartner,
DiGenova,	Knoble,	Powers,	Weiss,
Dix,	Kolankiewicz,	Prosen,	Welsh, E. B.,
Dolon,	Komorowski,	Rank,	Welsh, M. J.,
D'Oroona,	Krise,	Rausch,	Williams,
Duffy,	Lee, T. H.,	Readinger,	Winner,
Early,	Lelsey,	Reese, D. P.,	Wolf,
Elliot,	Leonard,	Reese, R. E.,	Wood, L. H.,
Ely,	Lesko,	Regan,	Wood, N.,
Falkenstein,	Levy,	Reynolds,	Woodring,
Fisher,	Leydie,	Rhea,	Woodside,
Fiss,	Lichtenwalter,	Riley,	Wright,
Fleming,	Longo,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, W. E.,	Yester,
Flynn,	Lyons,	Rosenfeld,	Young,
Foor,	Malloy,	Royer,	Kilroy, Speaker
	Marks,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. ELLWOOD B. WELSH. Mr. Speaker, I move that the time on House Bill No. 709, Printer's No. 456, entitled:

An Act to further amend section four hundred and twelve of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled, as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or

practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further defining the sales of malt or brewed beverages.

on page 18 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

RECONSIDERATION OF HOUSE BILL No. 1662

Mr. READINGER. Mr. Speaker, I move that the vote by which House Bill No. 1662, Printer's No. 801, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania; or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof" authorizing the making of contracts for hospitalization, and extending the provisions of the act to vocational school districts and institution districts.

on page 31, of today's calendar, passed finally be reconsidered.

RECONSIDERATION OF VOTE

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. BALTHASER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. READINGER, vote on the final passage of this bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Berks, Mr. Balthaser, vote on the final passage of this bill?

Mr. BALTHASER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. READINGER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. READINGER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 12 of title, by inserting after the word "hospitalization" the following: "and medical service".

Amend Sec. 1 (Title), page 2, line 17, by inserting after the part-word "tion" the following: "medical service".

Amend Sec. 2 (Sec. 1), page 3, line 3, by inserting after the word "corporation" the following: "or non-profit medical service corporation".

Amend Sec. 2 (Sec. 1), page 3, line 6, by inserting after the word "hospitalization" the following "medical service".

The SPEAKER. Will the House give unanimous con-

sent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL ON SECOND READING

Mr. READINGER asked and obtained unanimous consent to call up out of order House Bill No. 1511, Printer's No. 854, on page 10 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1511, entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five adopted the twenty-fourth day of February one thousand nine hundred and forty-one

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTIONS

RECALLING HOUSE BILL No. 960 FROM THE GOVERNOR

Mr. LICHTENWALTER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 2, 1941.

Resolved (if the Senate concur), that House Bill No. 960, Printer's No. 361, entitled "An act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (Pamphlet Laws 51) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof' making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture,"

be recalled from the Governor with the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 525 FROM THE GOVERNOR

Mr. O'CONNOR offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 5, 1941.

Resolved (If the Senate concur), that House Bill No. 525, Printer's No. 545, entitled "An act amending revis-

ing consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws,"

be recalled from the Governor with the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, on thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday, providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws," by changing the method and time whereby future referendums be initiated and held.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 510

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. O'BRIEN, MELCHIORRE and HARE.

Ordered, That the Clerk inform the Senate accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. MATTHEW J. WELSH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Fayette will state his question of personal privilege.

Mr. MATTHEW J. WELSH. Mr. Speaker, if there is anything that cries to heaven for vengeance, it is the sin of ingratitude. I have in mind one whose evil-minded, insinuating remarks pertaining to an unfortunate accident—remarks that emanated from a whispering pussy-footer of peculiar make-up who is contaminated with

the virus of ignorance and saturated with the rottenness of ingratitude. I wish to remind this particular individual (not of favors bestowed upon him) but that no prattle coming from him will in any way detract one iota from my record as a citizen, a legislator and a defender of my Country on the field of battle—for there is my record seared by fire and sealed by blood.

I regret that I have to make these remarks, for I fully realize it is a waste of lather to shave an ass.

MR. WOODSIDE IN THE CHAIR.

BILL ON SECOND READING

Mr. ROSENFELD asked and obtained unanimous consent to call up out of order House Bill No. 1748, Printer's No. 860, on page 13 of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1748, entitled:

An Act to further amend section two of the act approved the first day of May one thousand nine hundred seven (P. L. 135) entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners masters and special masters in chancery referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the fact reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties to such proceedings and repealing an act entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissioners and auditors authorizing the appointment of assistant stenographers repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May fifteenth one thousand eight hundred and seventy-four repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May eighth one thousand eight hundred and seventy-six and repealing "An act defining the duty of court stenographers in the several counties in this State" approved June tenth one thousand eight hundred and eighty-one' approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven" by further prescribing regulations for the furnishing of copies of testimony

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Dauphin, Mr. Woodside, for presiding.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 727.

A supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Northumberland.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out the entire title as follows:

A Supplement to the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" establishing an additional route in the County of Northumberland

and inserting in lieu thereof a new title as follows:

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions

Amend Section 1, page 2, by striking out in lines 1 to 5 inclusive the words "In addition to the township roads adopted as State highways in the County of Northumberland by the act to which this is a supplement the following section of township road in said county is hereby adopted to be taken over and to be" and inserting in lieu thereof the words "The following sections of public roads shall be adopted by the Commonwealth as a State highway and shall be"; also by striking out in lines 10 to 14 inclusive the words "the act to which this is a supplement

From a point on Legislative Route No 475 at the eastern end of the West Milton and Milton Bridge thence in an easterly direction to a point on United States Traffic Route No 15" and inserting in lieu thereof the following: "present or future laws governing State Highways Beginning at a point on Route 59038 in the village of West Milton Kelly Township Union County thence in an easterly direction across the West Milton and Milton Bridge to a point on Route 18 at the intersection of Mahoning and South Front Streets".

Amend bill page 2, by inserting after line 13, the following new section: "Section 2 This act shall become effective immediately upon final enactment".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Shaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Ca' walader,	Herman,	Muir,	Taylor,
Chervenak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	VanAllsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrofsky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	W. tkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorowski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winner,
Elliott,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood, L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leydic,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 690.

An Act to further amend sections 402 411 703 704 705 and 903 and to repeal section 706 of the act approved the first day of May one thousand nine hundred twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks

thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" providing for the registration and fixing registration fees of commercial motor vehicles truck tractors trailers and semi-trailers according to gross weight fixing the maximum gross weight of such vehicles which may be used and operated on the highways and eliminating existing provisions relating to the chassis of such vehicles

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend title, page 2, at the end of line 13, by inserting after the word "weight" the words "and certain motor buses and omnibuses with pneumatic tires according to equipment".

Amend Section 4, page 9, line 2, by striking out "Pneu" and inserting in lieu thereof the word "Pneumatic"; also same page, line 4, by striking out the figures "\$16.00" and inserting in lieu thereof the figures "\$16.50"; also same page, line 5, by striking out the figures "\$23.00" and inserting in lieu thereof the figures "26.00".

Amend Section 5, page 11, line 25, by inserting after the word "manufacturer" the words "or builder"; also on page 12, line 2, by striking out "Pneu" and inserting in lieu thereof the word "Pneumatic"; also same page, line 11, by striking out the figures "18,001" and inserting in lieu thereof the figures "19,001"; also same page, by striking out all of line 12 as follows: "H 18,001 and over but less than 22,401 100.00 125.00 150.00".

Amend Section 6, page 14, by inserting after the word "class" at the end of line 12, the words "until the gross weight thereof has been certified to by the manufacturer"; also same page, by inserting after line 23, the following new sections:

"Section 7 That section 706 of said act is hereby repealed

Section 8 That section 707 of said act as last amended by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 751) is hereby further amended to read as follows

Section 707 Motor Buses and Motor Omnibuses with Pneumatic Tires

The fee for annual registration of each motor bus and motor omnibus with pneumatic tires shall be according to seating capacity and the following classes

Class	Seating Capacity	Fee
A	Five (5) passenger or less	\$25.00
B	More than five (5) passengers and less than eight (8) passengers	30.00
C	More than seven (7) passengers and not more than twenty-six (26) passengers	\$40.00 plus \$4.00 for each seat over seven seats
D	In excess of twenty-six (26) passengers except as otherwise provided in Class E	\$40.00 plus \$4.00 for each seat over seven seats to and including twenty-six seats plus \$10.00 for each seat over twenty-six
E	In excess of fifty-three (53) passengers when operated exclusively in cities	\$300.00

E The maximum fee for two (2) axle four (4) wheel motor buses and motor omnibuses equipped with pneumatic tires shall be 175.00".

Amend Section 7, page 14, line 24, by striking out after the word "Section" the figure "7" and inserting in lieu thereof the figure "9"; also on page 18, line 12, by striking out the word "or" and inserting in lieu thereof the word "and"; also same page, lines 16 and 17, by striking out the words and figures "twenty-two thousand four hundred (22,400)" and inserting in lieu thereof the words and figures "nineteen thousand one (19,001)"; also same page, line 26, by striking out the words and figures "twenty-two thousand four hundred (22,400)" and inserting in lieu thereof the words and figures "nineteen thousand one (19,001)"; also on page 19, lines 7 and 8, by striking out the words and figures "twenty-two thousand four hundred (22,400)" and inserting in lieu thereof the words and figures "nineteen thousand one (19,001)"; also same page, lines 24 and 25, by striking out the words and figures "fifty thousand (50,000)" and inserting in lieu thereof the words and figures "forty-two thousand one (42,001)"; also on page 20, lines 1 and 2, by striking out the words and figures "twenty-two thousand four hundred (22,400)" and inserting in lieu thereof the words and figures "nineteen thousand one (19,001)"; also same page, at the end of line 3, by striking out the word "axle" and inserting in lieu thereof the word "wheel".

Amend Section 8, page 21, by striking out all of lines 22 and 23 as follows:
"Section 8 That section 706 of said act is hereby repealed".

Amend Section 9, page 21, line 24, by striking out after the word "Section" the figure "9" and inserting in lieu thereof the figures "10".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 897

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 897, Printer's No. 565, entitled, "An act Providing for and regulating the appointment promotion and reduction in rank suspension and removal of paid members of the police force in boroughs incorporated towns and townships of the first class maintaining a police force of not less than three members creating a civil service commission in each borough incorporated town and townships of the first class defining the duties of such civil service commission imposing certain duties and expense on boroughs incorporated towns and townships of the first class imposing penalties and repealing inconsistent laws."

ARTHUR H. JAMES.

BILL ON THIRD READING

Mr. HARKINS asked and obtained unanimous consent to call up out of order House Bill No. 1445, Printer's No. 162, on page 44, of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1445, (Senate Bill No. 302), as follows:

An Act to further amend section one thousand four hundred sixteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the qualifications of certain children for exemption from compulsory attendance provisions

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

RESOLUTION

RESPONDING TO ROLL CALL

Messrs. HOLLAND and HABBYSKAW offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 5, 1941.

The soothing drone of the reading clerk's melodious voice ripples forth over the heads of busy, industrious and very tired and sometimes so sleepy members of the more important branch of Pennsylvania's law making assembly. And thus laws are made.

To these members, in various postures of extreme relaxation, the call of the roll suggests the cradle roll of their childhoods—and cradles suggest comfort and sleep—or maybe just lack of concern—anything but the need to answer to one's name when called.

And so a bill is passed that should have been amended, or a bill falls that should have passed. Bills are recalled. Votes are reconsidered. Time is wasted. Needless printing is done. And the cost of legislation keeps on mounting; therefore, be it

Resolved, That in order that our membership may be alert and come in strong on the home stretch of this long session, there is hereby imposed a fine of one dollar on each member failing to answer to his name on any roll call, unless he has been previously excused from attendance on the session at which such roll is called; such fine to be paid in cash to the Speaker of the House, and by him paid into the funds of the United Service Organizations to aid in the operation of service clubs for our soldiers and sailors.

The SPEAKER. The resolution is referred to the Committee on Rules.

COMMITTEE AMENDMENTS TO HOUSE BILL 675 WITHDRAWN

Mr. SCANLON. Mr. Speaker, House Bill 675, Printer's No. 137, which was reported out of the Committee on Professional Licensure this morning was amended in error. It does not make sense. It strikes out the words "the practice of nursing requiring a license as a licensed nurse within the meaning of this act is defined as follows" and puts the same thing back again. I ask unanimous consent to withdraw that amendment.

The SPEAKER. House bill No. 675, Printer's No. 137, was reported from the Committee on Professional Licensure this morning with amendments. The amendments are not properly placed in the bill. Section 13, page 9, line 21 is amended by striking out "the practice of nursing requiring a license as a licensed nurse within the meaning of this act is defined as follows" and adding at line 22 the words "the practice of nursing requiring a license as a licensed attendant within the meaning of this act is defined as follows".

The gentleman from Philadelphia, Mr. Scanlon, as Chairman of the Committee on Professional Licensure requests unanimous consent to withdraw the amendment which the Chair has read. Is there objection? The Chair hears no objection and the amendment is withdrawn.

DEMOCRATIC CAUCUS

Mr. ACHTERMAN. Mr. Speaker, I ask consent of the House to hold a Democratic Caucus for thirty minutes in the House Caucus Room.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I would like to inform the Republican Members that we expect to have a dinner caucus on Monday, June 9, at six o'clock, Daylight Saving Time, in the Harrisburger Hotel. They will not get their notices today and I thought the Members ought to know about it before they left.

RECESS

The SPEAKER. If there is no objection the Chair will declare a recess until 12:30 p. m. for the purpose of holding a Democratic Caucus. The Chair hears none and a recess is declared.

AFTER RECESS

The House reconvened at 12:30 p. m.

THE SPEAKER (ELMER KILROY) IN THE CHAIR

BILL ON SECOND READING

Mr. HARKINS asked and obtained unanimous consent to call up out of order House Bill No. 566, Printer's No. 794, on page 8, of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 566, entitled:

An Act to provide revenue by imposing a license tax on the owners of all lawful coin or token operated vending machines devices or equipment as herein defined kept possessed used exhibited or operated for profit providing for the collection of said tax imposing certain duties upon the Department of Revenue prescribing penalties and dedicating the proceeds from such tax to the payment of appropriations for general relief

The first section was read.

On the question,

Will the House agree to the section?

Messrs. HARKINS and SARRAF. Mr. Speaker, we desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 2, line 3, by inserting after the word "include" the following: "vending machines dispensing individual paper drinking cups, cigarette vending machines".

Amend Sec. 1, page 2, lines 6, 7 and 8, by striking out the following "the act approved" in line 6, all of lines 7 and 8, and inserting in lieu thereof: "law. The term "vending machine" shall likewise not include any shooting gallery, shuffle board room, billiard or pool room, bowling alley, nine or ten pin alley or any alley or place on or in which any game is played with the use of balls and pins or other objects taxable under the provisions of the act, approved the twenty-fifth day of May, one thousand nine hundred and seven (P. L. 244), and its amendments."

The amendments were agreed to.

The section was agreed to as amended.

The second to the ninth sections inclusive were separately read and agreed to.

The tenth section was read.

On the question,

Will the House agree to the section?

Messrs. HARKINS and SARRAF. Mr. Speaker, we desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 10, page 8, line 3, by striking out the following "general relief" and inserting in lieu thereof: "paying for the cost of the care, treatment and maintenance of indigent patients suffering from motor vehicle injuries by reimbursing hospitals therefor."

The amendment was agreed to.

The section was agreed to as amended.

The eleventh and twelfth sections were separately read and agreed to.

The title was read.

On the question,

Will the House agree to the title?

Messrs. HARKINS and SARRAF. Mr. Speaker, we desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 8 of title, by striking out the words "general relief" and inserting in lieu thereof: "reimbursing hospitals for the cost of caring for indigent patients suffering from motor vehicle injuries."

The amendment was agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to bills on first reading. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1286, entitled:

An Act relative to the employment of females in hotels, taverns, saloons and eating houses for the mixing or sale of alcoholic drinks, and the penalty for violation thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL SIGNED, BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 727.

An Act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions.

Whereupon,

The SPEAKER, in the presence of the House, signed the same

BILL ON SECOND READING

Mr. CHUDOFF asked and obtained unanimous consent to call up out of order House Bill No. 1129, Printer's No. 855, on page 11, of today's calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1129, entitled:

An Act to further amend subsection (a) of section six of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widows and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents"

eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to bills on first reading. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1795, entitled:

An Act to further amend clause (c) of section two thousand four hundred six of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined." by further providing for the distribution of the State Manual.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur), that House Bill No. 107, Printer's No. 742, entitled "An act to amend section eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty (P. L. 395) entitled 'An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation' as amended by providing that certain of such toll bridges heretofore or hereafter acquired by the Department of Highways may be free bridges from the effective date of this act or from the date they are so acquired," be recalled from the Governor for further consideration.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur), that House Bill No. 525, Printer's No. 545, entitled "An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 5, 1941.

Resolved (if the Senate concur), that House Bill No. 717, Printer's No. 348, entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from within or without the State in criminal cases; and making uniform the law in reference thereto," be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 2, 1941.

Resolved (if the Senate concur), that House Bill No. 960, Printer's No. 361, entitled "An act to amend sections one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausages defining sausage and prescribing the penalty for the violation thereof' making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers on the Department of Agriculture," be recalled from the Governor for the purpose of amendment.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House,

Mr. Speaker, yesterday on the floor of the Senate I am advised Senator Cavalcante made certain claims and allegations to the effect that certain Democratic leaders and certain members of the General Assembly had conspired or entered into a criminal conspiracy for the passage of certain legislation. At the same time, Mr. Speaker, he also attacked the integrity of certain Republican leaders. While it is my personal opinion that the Senator was very irresponsible, or is very irresponsible for the statements he made, in view of the fact that the attack is an attack upon the integrity of the General Assembly of Pennsylvania, I feel it is one statement this House and the Senate should not for a moment overlook, but rather that a very thorough and careful investigation be made,

to the end that if the statements be true punishment be meted out to those whom he alleges have entered into a criminal conspiracy. On the other hand if it be shown that the statements are not correct or true or are not substantiated, then this House as well as the state of Pennsylvania may know that the statements were those of an irresponsible individual.

Mr. Speaker, to that end, I now offer a resolution and ask unanimous consent of the House to have it read and considered immediately.

RESOLUTION

COMMITTEE TO INVESTIGATE CHARGES MADE IN SENATE

Mr. ACHTERMAN offered a resolution and asked and obtained unanimous consent for its immediate consideration:

The resolution was read by the Clerk as follows:

In the House of Representatives, June 5, 1941.

Whereas, on June 4, 1941, on the floor of the Senate, Senator Anthony Cavalcante, a member of the Senate from Fayette County, stated that he honestly felt that a criminal conspiracy existed between Democratic political leaders and certain members of the General Assembly to stifle good legislation and permit only such legislation to pass as will benefit certain favored groups;

And Whereas, in his further remarks he also attacked the integrity of certain Republican leaders; and

Whereas, such charges cast reflection upon the integrity of the members of the Senate and the House of Representatives, and

Whereas, the seriousness of such charges demands immediate action in the interests of the citizens of the Commonwealth to prevent the consequences of such unlawful conduct if true,

Now Therefore, Be it

Resolved, if the Senate concur, that a committee of ten members be appointed, five of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President pro tempore of the Senate, and the said Committee be and are hereby authorized and directed to make an immediate investigation of all of the said charges made on the floor of the Senate by the said Senator Anthony Cavalcante, in public hearings, and that the Committee shall make its report to the Legislature at the earliest possible moment before the adjournment of this session of the General Assembly, and be it further

Resolved, That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of such subpoenas issued out of the courts of the Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

On the question,

Will the House adopt the resolution?

Mr. MELCHIORRE. Mr. Speaker, I earnestly request this House to give its unanimous approval to the Joint Resolution offered by the Majority Floor Leader. As one of those mentioned, I heartily welcome a resolution of

this kind, and I again ask the unanimous support of both the Democratic and Republican Members of this House.

Mr. WOODSIDE. Mr. Speaker, the Republicans of this House being in accord with the purpose of this resolution favor its adoption.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for its concurrence.

BILL ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to bills on first reading. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1798, entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

PERMISSION TO ADDRESS HOUSE

Mr. FLYNN asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise in defense of House Bill No. 611 which passed this House today, but unfortunately due to a previous engagement I did not happen to be here, and I would like to make a statement.

The purpose of House Bill 611 is one that deserves the earnest and favorable consideration of this House. This bill provides for the State to permanently protect and preserve Rickett's Glen, one of Pennsylvania's loveliest landmarks. This glen, with its small but surpassingly beautiful section of primeval forest, its twenty-five waterfalls, and the surrounding territory that has become an integral part of it, has a rare and distinctive charm, different from anything else in the State or in the whole nation. It already attracts throngs of visitors both from within and without the State every season. With the same kind of development, management, and publicity that has made our other State Parks into major attractions for the tourist trade, bringing hundreds of millions of dollars of new business into our Commonwealth, I do not hesitate to predict that in years to come Rickett's Glen will stand at, or near the head of the list of Pennsylvania's natural attractions.

You may wonder why one who earns his livelihood from the lumber business, should advocate the passage of a bill to preserve a section of virgin timber from unrestricted lumbering. I have a number of reasons for doing this.

First, because my daily occupation brings me into close and intimate contact with the forest, and I know better than most men the real charm and beauty of our streams and forests, and the lasting benefits of health, strength, and renewed mental vigor they can confer upon those who spend some time among them. Lumbering is a necessary business and will continue to be so as long as men continue to build, repair, and furnish homes, offices, and factories. It is the one business more than any

other, to which our State owes the early growth and development which built our cities and farm houses, and paved the way for the later expansion of our industrial centers, lifting Pennsylvania into the front rank of the nation's manufacturing States. The lumber business holds a prominent place in the history of our State, and it is altogether fitting and proper that we should preserve this outstanding example of forest growth to remind our own and future generations of one of the principal industries of Pennsylvania's early days. I want those benefits and reminders preserved for purely sentimental reasons.

My second reason has nothing to do with sentiment. On the contrary, it deals with the purely business angle. The man who throws away a good income producing asset would be justly subject to criticism as a poor business man. What then should we think of a State that does exactly the same thing? What would our constituents think of us if we were to go home to them and say that we threw away a chance to acquire for them an asset that may well be instrumental in bringing into the State more than a million dollars a year in new business, especially when the initial money cost of that asset is but an insignificant fraction of that sum? Remember that if we were to set out to make an artificial reproduction of this natural asset, it would cost millions of dollars to build the waterfalls alone, and the virgin trees would be inobtainable at any price. Here nature has given us the asset without a penny of cost, and with only a little care and management, the sun and the rain, and the seasons, will provide the maintenance forever, at no expense to us.

Does anyone question the value of this asset to Pennsylvania in dollar-revenue of tourist business? If so, let him look up the statistics of the Federal and State reports on the amount of new business brought into this State and other States in the past few years by our rapidly expanding tourist travel. He will very quickly find that the increase runs up into the hundreds of millions of dollars, and that Pennsylvania has more than three times the amount of tourist business of Florida, and more than eight times that of Maine, two of the most extensively advertised summer and winter resorts of the Nation. Are we going to deliberately throw away an asset that can aid still more millions of dollars to our tourist income every year?

I know we are told on every hand that we must conserve every possible dollar for the appropriation schedule of National Defense. This will call for untold millions of dollars in taxes. What better use is there for tax revenue than the investment of a small amount in a productive asset that will bring in a large amount of new business and thus help to provide additional income to pay the increased cost of National Defense taxation.

But we have also a still greater responsibility than that of merely providing money for National Defense. We must preserve and develop the things that make this great State and Nation of ours worth defending. We must not fail to look ahead with a long view of the situation that will be confronting us, and provide the opportunities for recreation that will help our men and women to maintain the physical and mental health and stamina so vitally needed. They must have recreation to help prevent the hysteria and physical strain of this

modern war of nerves and machines, and where, I ask you, can they get better and healthier recreation than among the cool, quiet, peaceful surroundings of such a forest area as Rickett's Glen? In this most important respect, it is highly essential to National Defense that such places be made freely accessible to the public. No place could be more appropriate to the purpose than Rickett's Glen.

In 1864, when Colonel Ricketts required title to his estate in Sullivan County, now known as Rickett's Glen, he was seeking sanctuary from the horrors of a war just ended. Today, men's nerves are again upset with war and rumors of war, with fears of what the future holds for this country, and anxiety for their families. Once more men seek to forget, if only for a day, this troubled world.

Men and women with tired nerves and weary bodies do not look to cities for rest and relaxation. They are on the battle front of the defense effort. When they dream of complete peace of mind they call up a vision of cool running water, tall old trees, green fields, and the clear soft blue of a country sky. It is in our power to provide such a sanctuary, within easy motoring distance of most of our great industrial cities. We do not hesitate to provide sanctuaries for wild life. Any one of us would think twice before saying No, to a suggestion that we preserve the birds and animals of our State. Should we not then do as much for our fellow men and women?

We also have a great responsibility to the youth of our State and Nation. We must save for them the ideals of a country they can love and work for, and if need be, fight and die for. We must show them that we are ready to protect the America of that immortal song which bears its name, and those "rocks and rills," those "woods and templed hills," it has made dear to every true American heart, young and old.

On my way to Harrisburg I pass through many towns that display signs "Drive Carefully, We Love Our Children." Those children are the future hope of America. De we care enough for them to give them an equal chance with the birds of the air and the beasts of the fields? Do we care enough to preserve for them a forest fairyland in summer and winter, something to dream of, to return to year after year, as they grow to manhood and womanhood, proud to be citizens of the State that provided it for them? We must not only "Drive Carefully" because "We Love Our Children," we must also "Think Carefully" if we want our children to love us and grow up to be sane, level-headed Americans in a world rife with man's inhumanity to man. Let us give them a chance to be proud to be Americans, proud to live in a land worth defending, a true Democracy of the people, by the people, and for the people.

We cheerfully provide sanctuary for the wildlife of America; shall we not do as much for the child life of America? Fellow Members of this House, I call upon you in the name of the present and future generations of Americans, to save this fairyland of the forest for all time to come, by supporting House Bill 611 to take over Rickett's Glen.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair is pleased to welcome to the House this afternoon the first woman representative

who served in the House of Representatives of the Commonwealth of Pennsylvania, the distinguished lady from Chester, Miss Martha G. Thomas.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 5, 1941.

Whereas, On June 4, 1941, on the floor of the Senate, Senator Anthony Cavalcante, a member of the Senate from Fayette County, stated that he honestly felt that a criminal conspiracy existed between Democratic political leaders and certain members of the General Assembly to stifle good legislation and permit only such legislation to pass as will benefit certain favored groups;

And Whereas, in his further remarks he also attacked the integrity of certain Republican leaders; and

Whereas, such charges cast reflection upon the integrity of the members of the Senate and the House of Representatives, and

Whereas, the seriousness of such charges demands immediate action in the interests of the citizens of the Commonwealth to prevent the consequences of such unlawful conduct if true,

Now Therefore Be it

Resolved, if the House concur, that a Committee of ten members be appointed, five of whom shall be appointed by the Speaker of the House of Representatives and five of whom shall be appointed by the President pro tempore of the Senate, and the said Committee be and are hereby authorized and directed to make an immediate investigation of all of the said charges made on the floor of the Senate by the said Senator Anthony Cavalcante, in public hearings, and that the Committee shall make its report to the Legislature at the earliest possible moment before the adjournment of this session of the General Assembly, and be it further

Resolved, That the said Committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records, or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

Mr. ACHTERMAN. Mr. Speaker, this resolution is identical with the one the House has already adopted. I, therefore, request that the House do concur in the Resolution of the Senate.

On the question recurring,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 572.

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine" providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 4, by inserting after line 17 the following:

"Legislative Department

To the Senate

For the payment of the mileage of fifty Senators session of one thousand nine hundred and forty-one the sum of twenty-five hundred dollars (\$2,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and forty-one also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in the act to which this is a supplement the sum of twenty-five thousand dollars (\$25,000) or so much thereof as may be necessary for the duration of the session of one thousand nine hundred and forty-one and the period of time necessary to complete the work of such session

To the House of Representatives

For the payment of the mileage of two hundred and eight Members of the House of Representatives session of one thousand nine hundred and forty-one the sum of ten thousand dollars (\$10,000)

For the payment of the salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and forty-one also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in the act to which this a supplement the sum of thirty thousand dollars (\$30,000) or so much thereof as may be necessary for the duration of the session of one thousand nine hundred and forty-one and the period of time necessary to complete the work of such session

Amend Section 2, page 4, by striking out lines 18 to 24 inclusive, as follows "Except as hereinafter provided this act shall become effective on the first day of June one thousand nine hundred and forty-one

Of the appropriation made available in this act to the Department of Forests and Waters fifty thousand dollars (\$50,000) shall become effective on the final enactment of this act," and inserting in lieu thereof as follows: "This act shall become effective immediately upon its final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—190

Achterman,	French,	Marks,	Rush,
Allmond,	Gallagher,	Maxwell,	Sarge,
Auker,	Gates,	McClanaghan,	Sarra,
Baker,	Gerard,	McClester,	Scanlon,
Balthaser,	Gillan,	McDermott,	Schwab,
Baughner,	Gillette,	McDowell,	Serrill,
Bentley,	Goodwin,	McFall,	Shaffer,
Bentzel,	Greenwood,	McGrath,	Siaw,
Boles,	Gross,	McIntosh,	Shepard,
Boney,	Gryskewicz,	McLanahan,	Simons,
Boorse,	Habbyshaw,	McLane,	Skale,
Bower,	Haines,	McMillen,	Snyder,
Bradley,	Hamilton,	McSurdy,	Sollenberger,
Bretherick,	Hare,	Melchiorre,	Sorg,
Brown,	Harkins,	Modell,	Stambaugh,
Brunner, C. H.,	Harris,	Monks,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stockham,
Burns,	Helm,	Moran,	Tarr,
Burris,	Hering,	Moul,	Tate,
Cadwalader,	Herman,	Muir,	Taylor,
Chervynak,	Hersch,	Munley,	Thompson, E. F.,
Chudoff,	Hewitt,	Nagel,	Thompson, R. L.,
Cohen, M. M.,	Holland,	Nunemacher,	Trout,
Cohen, R. E.,	Huntley,	O'Brien,	Turner,
Cook,	Imbrie,	O'Connor,	Van Allsburg,
Cooper,	James,	O'Dare,	Verona,
Cordier,	Jefferson,	O'Mullen,	Vincent,
Corrigan,	Jones, G. E.,	O'Neill,	Vogt,
Croop,	Jones, P. N.,	Owens,	Voldow,
Cullen,	Keenan,	Petrofsky,	Voorhees,
Dalrymple,	Kenehan,	Pettit,	Wagner,
Dennison,	Kline,	Polaski,	Watkins,
DiGenova,	Knoble,	Polen,	Weingartner,
Dix,	Kolankiewicz,	Powers,	Weiss,
Dolon,	Komorofski,	Prosen,	Welsh, E. B.,
D'Ortona,	Krise,	Rank,	Welsh, M. J.,
Duffy,	Lee, T. H.,	Rausch,	Williams,
Early,	Lelsey,	Readinger,	Winner,
Elliot,	Leonard,	Reese, D. P.,	Wolf,
Ely,	Lesko,	Reese, R. E.,	Wood L. H.,
Falkenstein,	Levy,	Regan,	Wood, N.,
Fisher,	Leyd's,	Reynolds,	Woodring,
Fiss,	Lichtenwalter,	Rhea,	Woodside,
Fleming,	Longo,	Riley,	Wright,
Fletcher,	Lovett,	Rooney,	Yeakel,
Flynn,	Lyons,	Rose, W. E.,	Yester,
Foor,	Malloy,	Rosenfeld,	Young,
		Royer,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 572.

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled "An act to provide for the ordinary expenses of the Executive Legislative

and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine" and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1588

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1588, Printer's No. 566, entitled "An act to amend and reenact section five hundred and twenty-four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the general special or local or any parts thereof that are or method of collecting such revenue and repealing all laws may be inconsistent therewith' as amended by limiting to eleven and three-quarters mills the total annual school tax for any one year in school districts of the first class and prescribing the method of fixing the levy of school taxes in such districts."

ARTHUR H. JAMES.

BILLS ON FIRST READING

The SPEAKER. If there is no objection the Chair will return to bills on first reading. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1641, entitled:

An Act providing that city taxes in all cities of the third class accepting the provisions of this act, shall be assessed, levied and collected upon the basis of the county assessments; imposing duties upon county assessing and county taxing authorities; abolishing the office of city assessor in such cities of the third class and transferring certain property to county taxing authorities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1766, entitled:

A Supplement to the act, approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employee retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for

the guaranty of the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," defining the rights and obligations of members of the School Employees' Retirement Association engaged in active military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECONSIDERATION OF SENATE BILL No. 381

Mr. O'BRIEN. Mr. Speaker, I move that the vote by which Senate Bill No. 381 (House Bill No. 1537), Printer's No. 360, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second third, fourth, fifth, sixth, seventh and eighth classes and revising, amending and consolidating the laws relating thereto" by authorizing the acquisition and operation of aviation landing fields and airdromes, by counties of the first, second, third, fourth, fifth and sixth classes

on page 21, of today's calendar was agreed to on third reading as amended, be reconsidered.

Mr. MELCHIORRE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. O'Brien, vote on agreeing to the bill on third reading as amended?

Mr. O'BRIEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Melchiorre, vote?

Mr. MELCHIORRE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. O'BRIEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 7 of title, by striking out the word "and" where it first appears in said line.

Amend title, page 1, line 7 of title, by inserting after the word "operation" the following: "and leasing."

Amend title, page 1, last line of title, by inserting after the word "classes" the following: "conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes; authorizing such counties to appropriate for such purposes, unredeemed lands purchased at tax sales; providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county; authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes; and providing for the expenditure of funds for such purposes in cooperation with certain State, Federal or other public agencies."

Amend Sec. 1 (Sec. 496.1), page 2, line 26, by inserting after the word "situated" the following: "except that the owner of land to be condemned may, if such land is situated in more than one county, designate the court of common pleas of any county in which any portion of such land is situated, to have exclusive jurisdiction over the condemnation proceedings. In case such owner, after notice and request, fails to make such designation, the

court of common pleas of the county in which the principal part of the land is situated shall have exclusive jurisdiction over the condemnation proceedings."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question.

Will the House agree to the amendments?

They were agreed to.

On the question.

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

QUESTION OF INQUIRY

Mr. AUKER. Mr. Speaker, I rise to a question of inquiry.

The SPEAKER. The gentleman from Blair will state his question of inquiry.

Mr. AUKER. Mr. Speaker, has there been a conference committee appointed by the House on Senate Bill 472, House Bill 690, Printer's No. 824, commonly known as the trucking bill?

The SPEAKER. There has been no conference committee appointed on the part of the House.

Mr. AUKER. Mr. Speaker, has the House concurred or non-concurred in the Senate amendments to that bill?

The SPEAKER. For the information of the gentleman from Blair the House non-concurred in the Senate amendments to House Bill 390 this morning, but no conference committee has been appointed. The bill is not now in the possession of the House.

Mr. AUKER. Mr. Speaker, would it be in order when the conferees are appointed, if this bill goes to conference which no doubt it will, to have the conferees on that conference committee of the House instructed that they shall take no action in conference until after the investigation is made pursuant to the resolution adopted this afternoon?

The SPEAKER. There is nothing we can do at this time. The bill is not before the House.

Mr. AUKER. Mr. Speaker, would it be in order at the time the conferees are appointed by this House, if they are appointed, to have such instructions made at that time?

The SPEAKER. The House has the power to instruct its own conferees, but that will have to be done at the time the bill is before the House.

Mr. AUKER. Mr. Speaker, would that have to take the form of a motion made before the House that the conferees be so instructed?

The SPEAKER. It will have to be in the form of a written motion.

Mr. AUKER. Thank you, Mr. Speaker.

PERMISSION TO ADDRESS HOUSE

Mr. HARKINS asked and obtained unanimous consent to address the House.

Mr. Speaker, I rise to inform the House that next week Flag Day will be celebrated throughout the state and throughout the nation in many schools and various institutions in a patriotic manner.

I believe, Mr. Speaker, it would be advisable and fitting for us to pause in our duties as legislators for a few moments next week in order to have some fitting celebration in the Hall of the House, and in order that this subject may be brought before the Members of the House for their consideration I propose that we invite the Chairman of the Military Affairs Committee, the Honorable Matthew J. Welsh, from the County of Fayette, to deliver a patriotic address in the Hall of the House on next Monday evening. Those of us who have heard Mr. Welsh in the past, I am sure, will be happy to vote for my motion to request him to address us on next Monday evening.

Mr. Speaker, I move that the House invite the Honorable Matthew J. Welsh to deliver an address to us on Monday evening next.

The SPEAKER. For the information of the gentleman from Allegheny, the motion is not in order. It has the effect of creating a special order of business. Does the gentleman wish to make that a special order of business.

SPECIAL ORDER OF BUSINESS

Mr. HARKINS. Mr. Speaker, I move that the House make it a special order of business.

The SPEAKER. For what time?

Mr. HARKINS. Mr. Speaker, any time that is suitable to the Chair.

The SPEAKER. The specific time must be stated.

Mr. HARKINS. Mr. Speaker, I suggest then fifteen minutes after we convene, at 8:15 p. m. Eastern Standard Time.

On the question.

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, before voting on this motion I would like to know who is going to censor the speech Matthew Welsh is going to make.

Mr. HARKINS. Mr. Speaker, in view of the early hour at which the address is scheduled I see no reason to have any fear about his speech. I am quite sure it will be unnecessary to have it censored.

On the question recurring.

Will the House agree to the motion?

It was agreed to.

MR. TURNER IN THE CHAIR.

CONGRATULATORY RESOLUTION

Messrs. TATE and WOODSIDE offered a privileged resolution which was read, considered and unanimously adopted as follows:

In the House of Representatives, June 5, 1941.

Whereas, It is becoming a biennial event for Speakers of this House to arrange a picnic for its members and others; and

Whereas, Notwithstanding the fact that the elements made every effort to dampen the enthusiasm of the invited guests, the Speaker's sunny disposition and warm hospitality easily overcame this difficulty; and

Whereas, Those present enjoyed thoroughly abundant refreshments, delightful activities and marvelous entertainment, that permitted them to forget momentarily their arduous duties: therefore be it

Resolved, By the Members of this House that we extend to our gracious Speaker, the Honorable Elmer Kilroy, our fullest and most sincere thanks for what he did to make the day enjoyable and in keeping with the best traditions

of this House, and as evidence of our gratitude, the Chief Clerk is hereby directed to transmit a copy of this resolution to our Speaker, the Honorable Elmer Kilroy.

The SPEAKER pro tempore. The reports from the Members are that they were tired and sleepy this morning which is an evidence of the success of the occasion.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair appreciates the sentiments expressed in the resolution.

COMMITTEE MEETINGS

A very important meeting of the Committee on Motor Vehicles will be held Monday, June 9 at 7 p. m., E. S. T. in Room 324. All members are requested to be present.

A meeting of the Committee to Investigate State Hospitals will be held in Room 325 immediately after today's session.

The Committee appointed to investigate the Department of Health and the Bureau of Vital Statistics will hold a public hearing in the New House Caucus Room on Tuesday, June 10th, 1941 at 9:00 p. m. Eastern Standard Time.

ANNOUNCEMENTS

Please make your reservations for the Woodside dinner before you leave today. This is important. Contact either a member of the Committee or the Chief Clerk's Office.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that this House do now adjourn until Monday, June 9, 1941, at 8 p. m.

The motion was agreed to, and (at 4:18 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., MONDAY, JUNE 9, 1941.

No. 67.

SENATE

MONDAY, June 9, 1941

The Senate met at 3:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS offered the following prayer:

O God, who art perfect in wisdom and knowledge, justice and mercy, glory and honor, we pray Thee send Thy light to shine upon our darkened ways. Our vision has been obscured by the magnitude of our sins. Our horizon of national endeavor has been lowered by the vitiating of our common ideals. Our patriotic fervor has been dampened by the impact of foreign ideals. Our scales of equity and fairness and sound judgment have been unbalanced by the desires of personal aggrandizement. We face drastic changes in our national life with each succeeding day.

Each of us know, O God, as we face these tremendous changes, that we can not bring our Ship of State safely into harbor without Thy help nor find our proper way without Thy direction. Burn these convictions into the consciousness of America in Thine own way e'er the night of paganism reigns supreme in our land and we become numbered with Thine unalterable transgressors.

Hear us, O God of our Fathers, as we beseech Thee for divine aid in all our tasks here and in every Legislature and the Congress and in the hearts of all our people. For Thy name's sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when on motion of Mr. CHAPMAN and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

Mr. EDMONDS, of Montgomery County, asked and obtained leave of absence for himself, for Thursday and Friday, in the event the Senate shall be in session.

Mr. Barr asked and obtained leave of absence for the Senator from Allegheny, Mr. MCGINNIS, for the balance of the week, or until such time as he recovers.

The PRESIDENT. If there is no objection leave of absence is granted to the gentleman from Allegheny, Sena-

tor McGinnis, until such time as he may recover and shall report back to the Senate.

The Senators may recall that Senator McGinnis, was injured in an automobile accident and is now confined to the Mercy Hospital in Pittsburgh.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 9, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William A. Beadling, Turtle Creek.

Lawrence R. Hugo, McKeesport.

J. Stan Jones, 901 American Bank Building, Pittsburgh.

Mrs. Mildred C. Obringer, 95 Riverton St., Hays, Pittsburgh.

Miss Martha Schoenthal, East Pittsburgh.

Mrs. Anna Marie Vadasz, 911 Park Bldg., Pittsburgh.

DELAWARE COUNTY

Clayton Craig, Lansdowne.

Geo. B. Steele, Clifton Heights.

LEHIGH COUNTY

Miss Verna M. Marcks, Emmaus.

LUZERNE COUNTY

James M. Hagan, Wilkes-Barre.

MONTOUR COUNTY

Miss Catherine V. Murray, Danville.

PHILADELPHIA COUNTY

William V. Bulman, 1518 Walnut St., Phila.
Miss Anna R. Burns, 2313 Fidelity-Philadelphia Trust
Bldg., Phila.
B. M. Sherwood, 260 S. Broad St., Phila.
Miss E. G. White, Reo Motors, Inc., 31st and Thompson
Sts., Phila.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY.

That the Senate do advise and consent to said nomina-
tions.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the pro-
visions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Mundy,	Wade,
Coleman,	Heyburn,	Reed,	Watkins,
Cox,	Homsher,	Ruth,	Wilson, H. I.,
Crider,	James,	Scarlett,	Woodward,
Crowe,	Jaspan,	Shapiro,	
Deitrick,	Lanius,	Snowden,	
DiSilvestro,		Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the
question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced pre-
sented communication in writing from His Excellency,
the Governor of the Commonwealth, which were read
as follows:

APPROVED AND SIGNED SENATE BILLS

Nos. 551 and 552

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

I have the honor to inform you that I have this day
approved and signed the following:

Senate Bill No. 551, Printer's No. 223, entitled, "An
Act to amend route 25008 of section two of the act
approved the first day of June, one thousand nine hun-
dred and thirty-three (P. L. 1172), entitled 'An act es-
tablishing certain streets in boroughs and incorporated
towns as State highways, and providing for their con-
struction and maintenance at the expense of the Com-
monwealth.'"

Senate Bill No. 552, Printer's No. 224, entitled, "An
Act to abolish and repeal route 25008 in Girard Town-
ship Erie County established by the act approved the
twenty-second day of June one thousand nine hun-
dred and thirty-one (Act No. 203), entitled 'An act es-
tablishing certain township roads as State highways; au-
thorizing their construction, maintenance and improve-
ment under certain conditions and restrictions; limiting
the obligation of the Commonwealth in the construction
of certain structures located on such highways; conferring
certain powers upon the Department of Highways and
local authorities, persons, associations and corporations
for sharing the cost of the maintenance and construction

of such highways; and making an appropriation to carry
out the provisions of said act."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 66

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

I have the honor to inform you that I have this day
approved and signed Senate Bill No. 66, Printer's No.
378, entitled, "An Act to further amend the last para-
graph of section four hundred thirty-nine of the act ap-
proved the second day of May one thousand nine hun-
dred and twenty-nine (P. L. 1278) entitled 'An act re-
lating to counties of the second third fourth fifth sixth
seventh and eighth classes and revising amending and
consolidating the laws relating thereto' imposing addi-
tional duties on and providing for additional compen-
sation of veterans' grave registrars."

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE CONCURRENT
RESOLUTION RECALLING SENATE BILL No. 141
(PRINTER'S No. 278) FROM THE GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

I have the honor to inform you that I have this day
approved and signed a resolution of the Senate and
House of Representatives recalling from the Governor
Senate Bill No. 141, (Printer's No. 278), for the purpose
of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

SENATE BILL No. 141, (Printer's No. 278)

LAID ON THE TABLE

Mr. MILLER. Mr. President, I move that Senate Bill
No. 141 (Printer's No. 278) returned from the Governor,
be laid on the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, pre-
sented communications in writing from His Excellency,
the Governor of the Commonwealth, which were read
as follows, and referred to the Committee on Executive
Nominations.

APPOINTMENT AS JUSTICE OF THE PEACE
IN CUMBERLAND COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to
nominate for the advice and consent of the Senate Earl
H. Brandenburg, R. D. 3, Mechanicsburg, Cumberland
County, for appointment as Justice of the Peace in and
for the Township of Upper Allen, Cumberland County,
until the first Monday in January, 1942, vice W. B. Per-
rigo, resigned.

ARTHUR H. JAMES.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being intro-
duced presented for concurrence bills of the House. as
follows:

House Bill No. 220, (Senate Bill No. 1134), entitled:

An Act to amend section four of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "City State Highway Law," requiring the Department of Highways to take over bridges and viaducts on State highways in cities of the third class.

Which was committed to the Committee on Highways.

House Bill No. 223, (Senate Bill No. 1135), entitled:

An Act authorizing the Department of Property and Supplies to acquire on behalf of the Commonwealth of Pennsylvania certain land upon which is still standing the birthplace of Robert Fulton in Fulton Township, Lancaster County; or so much thereof as may be necessary, as a memorial; providing for the control, management, supervision, improvement, restoration and maintenance thereof; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation and visitation thereof; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 353, (Senate Bill No. 1136), entitled:

An Act making an appropriation to the Department of Military Affairs, for the maintenance and education of children of soldiers, sailors, marines, female field clerks, yeomen (female) and nurses who were killed in action or died during the World War; and conferring certain duties upon the State Veterans' Commission.

Which was committed to the Committee on Appropriations.

House Bill No. 389, (Senate Bill No. 1137), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of the Farview State Hospital, to acquire a certain tract of land for the use of said hospital; and making an appropriation therefor.

Which was committed to the Committee on Appropriations.

House Bill No. 502, (Senate Bill No. 1138), entitled:

Authorizing the Department of Property and Supplies with advice and approval of the Pennsylvania Historical Commission to acquire on behalf of the Commonwealth of Pennsylvania, certain land which is the site of an old fortress known as Old Garrison in the City of Franklin, Venango County, or so much thereof as may be necessary as a historical memorial; providing for the control, management, supervision and improvement thereof; authorizing the Pennsylvania Historical Commission in cooperation with other agencies to make and enforce rules and regulations for the preservation and visitation thereof; authorizing the Pennsylvania Historical Commission to cooperate with the Daughters of the American Revolution and interested patriotic societies in providing funds for a restoration of Old Garrison; and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 605, (Senate Bill No. 1139), entitled:

An Act making an appropriation to the Pennsylvania State College for expenditure by the School of Mineral Industries thereof, under the supervision of the Department of Mines, for the purpose of developing new uses and markets for anthracite and bituminous coal.

Which was committed to the Committee on Appropriations.

House Bill No. 611, (Senate Bill No. 1140), entitled:

An Act providing for the acquisition by the Department of Forests and Waters, in the name of the Commonwealth, of certain lands in Luzerne, Sullivan, and Wyoming Counties, for use of as a State Park; making an appropriation for said acquisition; providing for the management of said property by said department and defining the uses to which the property shall be put.

Which was committed to the Committee on Appropriations.

House Bill No. 664, (Senate Bill No. 1141), entitled:

An Act to amend section seventy-six of the act approved the sixteenth day of June, one thousand eight hundred and thirty-six (P. L. 755), entitled "An act relating to executions," by providing for the filing of a transcript of the judgment with testatum writs of execution and permitting defenses to be interposed in counties to which such writs are directed in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 723, (Senate Bill No. 1142), entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employees Retirement Law," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen.

Which was committed to the Committee on Education.

House Bill No. 916, (Senate Bill No. 1143), entitled:

An Act making an appropriation to the Department of Highways for the erection and construction of ramp over the tracks of the Pennsylvania Railroad in the Borough of West Leechburg, and for the construction of the necessary approaches thereto.

Which was committed to the Committee on Appropriations.

House Bill No. 917, (Senate Bill No. 1144), entitled:

An Act establishing certain public roads and streets in the Borough of West Leechburg, Westmoreland County, as a state highway; providing for their construction and maintenance by the Department of Highways, and making an appropriation.

Which was committed to the Committee on Appropriations.

House Bill No. 941, (Senate Bill No. 1145), entitled:

An Act making an appropriation to the Department of Public Instruction for the use of the Pennsylvania Historical Commission for the purpose of completing restoration and preparing for public use as a museum the property at Ambridge Beaver County Pennsylvania formerly owned and occupied by the Harmony Society and known as "Old Economy"

Which was committed to the Committee on Appropriations.

House Bill No. 1323, (Senate Bill No. 1146), entitled:

An Act authorizing the Department of Property and Supplies, with the consent of the Department of Military Affairs and the approval of the Governor, to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg, in exchange for the conveyance by said city of Wildwood Park to the Com-

monwealth, for the use of the Pennsylvania Game Commission in maintaining a wild life sanctuary.

Which was committed to the Committee on County Government.

House Bill No. 1337, (Senate Bill No. 1147), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims against the Commonwealth arising from failure to lease premises after owners thereof had been induced to expend money thereon

Which was committed to the Committee on Appropriations.

House Bill No. 1441, (Senate Bill No. 1148), entitled:

An Act to amend routes 52037 and 52044 as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203) entitled "Rural State Highway Law" changing certain routes in the county of Potter.

Which was committed to the Committee on Highways.

House Bill No. 1457, (Senate Bill No. 1149), entitled:

An Act establishing certain public roads in Porter Township Clarion County and Mahoning Township Armstrong County as a State highway providing for their construction and maintenance by the Department of Highways and making an appropriation

Which was committed to the Committee on Highways.

House Bill No. 1487), (Senate Bill No. 1150), entitled:

An Act providing for the construction and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of a Bushy Run Museum Building on land owned by the Commonwealth in Westmoreland County and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 1488, (Senate Bill No. 1151), entitled:

An Act preserving the rights of persons enlisting or being inducted or drafted into the military or naval service of the United States, under licenses or registrations issued by the Department of Public Instruction and the Department of Insurance to practice professions or to work at trades or occupations; and providing for renewals after discharge from such service.

Which was committed to the Committee on Military Affairs.

House Bill No. 1496, (Senate Bill No. 1152), entitled:

An Act authorizing the Department of Property and Supplies to construct erect and dedicate on the Capitol grounds at Harrisburg Pennsylvania a memorial to the memory of James Buchanan and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 1513, (Senate Bill No. 1153), entitled:

An Act to further amend section three of the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled, as amended "State Personal Property Tax Act," be exempting assets held by liquidating trustees.

Which was committed to the Committee on Banking.

House Bill No. 1519, (Senate Bill No. 1154), entitled:

An Act making an appropriation to the trustees of the Pennsylvania State College for the construction of certain necessary buildings for use by the School of Agriculture

Which was committed to the Committee on Appropriations

House Bill No. 1525, (Senate Bill No. 1155), entitled:

An Act to amend section seven hundred one and to further amend section seven hundred six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," authorizing the various boards of school directors to purchase and furnish, free of charge, uniforms for the members of school bands and orchestras.

Which was committed to the Committee on Education.

House Bill No. 1529, (Senate Bill No. 1156), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one, (P. L. 594) entitled "Rural State Highway Law," establishing additional routes to be used as a part of the national defense program in the County of Cambria.

Which was committed to the Committee on Highways.

House Bill No. 1541, (Senate Bill No. 1157), entitled:

An Act providing for uniform reports by political subdivisions to departments boards and commissions of the State Government

Which was committed to the Committee on State Government.

House Bill No. 1542, (Senate Bill No. 1158), entitled:

An Act to amend Route 55121, as added to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," changing a route in the County of Somerset.

Which was committed to the Committee on Highways.

House Bill No. 1570, (Senate Bill No. 1159), entitled:

An Act authorizing the Department of Property and Supplies to have a certain number of copies printed of the Report of the Joint State Government Commission on the Organization and Administration of Pennsylvania's State Government providing for the distribution and sale of such copies imposing new duties on the Joint State Government Commission and making an appropriation

Which was committed to the Committee on Appropriations.

House Bill No. 1650, (Senate Bill No. 1160), entitled:

An Act providing for the cooperation of the Commonwealth and certain political subdivisions thereof with the United States in respect to flood control projects authorizing the Secretary of Highways on behalf of the Commonwealth and the authorities of the various counties cities boroughs and townships to grant and convey certain rights and easements thereof and lands bordering the same over which such governmental units may have control

Which was committed to the Committee on Federal Relations.

House Bill No. 1659, (Senate Bill No. 1161), entitled:

An Act making an appropriation to the Department of Revenue for the payment of accounts settled against the

Commonwealth and that department in favor of certain persons associations and corporations

Which was committed to the Committee on Appropriations.

House Bill No. 1660, (Senate Bill No. 1162), entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," by authorizing the furnishing of certain confidential information to other states and the United States.

Which was committed to the Committee on Finance.

House Bill No. 1663, (Senate Bill No. 1163), entitled:

An Act making an appropriation to the Special Committee of the House of Representatives which completed an investigation of the administration of W. P. A. Sewing Projects of the Commonwealth to reimburse the committee for expenses incurred by it in making such an investigation.

Which was committed to the Committee on Appropriations.

House Bill No. 1676, (Senate Bill No. 1164), entitled:

An Act to further amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1518), entitled, as amended, "Elevator Regulation Law," by defining and making further provision relative to the installation and use of "man lift" elevators.

Which was committed to the Committee on State Government.

House Bill No. 1678, (Senate Bill No. 1165), entitled:

An Act to further amend section one thousand one hundred thirty-three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by removing certain limitations of the appointment of district superintendents.

Which was committed to the Committee on Education.

House Bill No. 1686, (Senate Bill No. 1166), entitled:

An Act relating to certain civil rights and liabilities of persons in the armed service of the United States providing for the suspension of the enforcement of certain civil liabilities providing for the re-employment of such persons upon completion of such service and imposing penalties

Which was committed to the Committee on Military Affairs.

House Bill No. 1706, (Senate Bill No. 1167), entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsylvania, to acquire by gift the Harmony Society Graveyard in the Borough of Ambridge Pennsylvania; providing for the control, management, and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Which was committed to the Committee on State Government.

House Bill No. 1723, (Senate Bill No. 1168), entitled:

An Act to amend section four of the act, approved the first day of July, one thousand nine hundred and nineteen (P. L. 717), entitled "An act fixing the number, compensation, mileage, and duties of the officers and employees

of the General Assembly, and providing for their election or appointment, term of office, and manner of filling vacancies," by providing for the appointment, compensation and duties of clerks and pages to the majority and minority floor leaders, respectively, of the Senate and of the House of Representatives.

Which was committed to the Committee on State Government.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The gentleman from Fayette will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, when the "Box-Car" trucking Bill was before this Senate for final passage, on June 4th, of last week, I made certain remarks which now are indelibly written in the Senate Journal. Those remarks were made deliberately and with a full knowledge of their significance. They were uttered for the express purpose of placing before the members of this Senate and the people of this Commonwealth a most revolting condition. With a full knowledge of what I then said and what I am about to say, I do now, with all my deliberation and thought reaffirm those remarks. Those and the following remarks are made in fulfillment of my constitutional duty as a Senator to the people of this Commonwealth.

Mr. President, the framers of our present State Constitution, fearful of the intimidation that might be exercised by political and external forces, wisely and judiciously inserted in the Constitution the following provision:

"The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and from the same; and for any speech or debate in either House they shall not be questioned in any other place."

This provision was unmistakably intended to encourage open speech and debate on the floors of the General Assembly in order that people might be fully and at all times properly informed or forewarned of impending danger to their interests. The framers of the Constitution acted wisely and with the knowledge of the past when they gave this constitutional protection to the members of the General Assembly against political or predatory intimidation.

Mr. President, I am today warned by newspapers printed in every corner of this Commonwealth that certain influential and powerful groups and interests, operating in and about these Assembly Halls, have flagrantly and, with what seems to be reckless abandon, undertaken to batter down, overthrow and cast aside this traditional and constitutional safeguard.

Since my absence from the Capitol over the week-end, I have read in the newspapers the alarming news that a certain joint Legislative Committee has been appointed to conduct an investigation. Let us analyze the history and circumstances that have lead up to the creation of this unusual Committee. I am reliably informed that shortly after I made those remarks "legislative halls buzzed early and loudly with activities . . . First, House and Senate Democrats met in caucus with National Com-

mitteeman David L. Lawrence and voted to initiate the inquiry. The Minority Floor Leader Harry Shapiro conferred with President Pro Tem Charles H. Ealy and announced Republicans would join in support of the move."

In addition to the National Democratic Committeeman's activities in this regard, I am also reliably informed that State Democratic Chairman Meredith Myers has publicly stated:

"I favor an immediate and searching investigation of Cavalcante's charges and, if they are found without formation, as I know they will be, that Senator Cavalcante be held strictly accountable."

From this, Mr. President, I am warranted in assuming that the Democratic National Committeeman played no little part in initiating the movement that has resulted in the creation of this joint Legislative Committee. I am also warranted in believing from the remarks publicly made by the State Democratic Chairman, that he has already prejudged the case. The activities and assertions of these two powerful Democratic leaders show very little regard for the integrity and independence of any Committee whose creation they were initiating. Speaking with due respect and courtesy of the members of this Committee, I trust that no person will deny me the right to feel concerned over its membership. The record shows that with the exception of two gentlemen from the lower House this Committee, in its entirety, is composed of members who voted in favor of the "Box-Car" Bill. I trust that no man will judge me wrongfully for questioning the propriety of placing on this Committee the Chairman of the Sub-Committee that considered the Bill in the Senate Committee on Highways and whose activity in behalf of the passage of the bill is of personal knowledge to myself.

However, Mr. President, I am firmly convinced that a Committee such as here created can be of little benefit to the people of this Commonwealth if it is to batter down and cast aside the traditional and constitutional safeguard of members of the General Assembly.

I do not know how many members of this Committee attended the expensive dinner and notorious floor show given by the Pennsylvania Motor Truck Association at the time the Bill was in the lower House. But, each member of this Committee can conscientiously and on the floor of this Senate answer that question for himself. And it seems to me that this is a duty that each member owes to his colleagues and to the people of this Commonwealth. A Committee so created can be of little benefit to the people of this Commonwealth if non-legislative political leaders are permitted, directly or indirectly, to seal the mouths of members of this General Assembly under threats of expulsion or impeachment. I shall, with all the ability at my command, from the floor of this Senate, give this Committee all the necessary information which, if diligently pursued, will lead the Committee to a situation so revolting that all sober and honest men will commend them for their efforts.

At this time, Mr. President, I will lay before you proof, positive that "a tremendous amount of money" was necessary to effect the passage of the "Box-Car" trucking Bill. I now read into the Journal of this Senate a document issued by the Allegheny County Chapter of the Pennsylvania Motor Truck Association. This document is my private and personal property which I will

not permit to leave my possession. I will, however, at the conclusion of my remarks, furnish to the President of the Senate and members of the press a true and correct copy of the document. The original I will gladly show to any member of this Senate, or to any joint or separate investigating Committee now created or hereafter created in a legal and constitutional manner.

Mr. President, I now read into the record the following document:

"Allegheny County Chapter
Pennsylvania Motor Truck Association
729 Fort Pitt Hotel — Pittsburgh, Pa. — Phone Gr. 2100
DO YOUR PART

"H. B. 690 S. O. S. P. M. T. A. is calling
for your assistance.

"We must not let H. B. 690 (Senate Bill 472) die. You are well aware of the great benefits this weights Bill will bring to you in your business. You owe it to yourself and your business to do all within your power to get this Bill passed by the Senate. Don't pass the buck and let the other fellow do it. We need your help and the help of the other fellow.

"P. M. T. A. sponsored this legislation and have worked night and day to get it along this far. But, you must realize that P. M. T. A. is working for you, and we cannot do this big job alone. We need your cooperation and assistance. We need your help in contacting the Senators in Harrisburg and urging upon them the necessity of their support. We need your help in passing the word along. Urge other operators to cooperate. Urge your employees to cooperate. Urge all gasoline dealers, tire dealers, truck dealers, insurance agencies, and all other enterprises serving highway transportation, to cooperate.

"We need your help financially. It takes a tremendous amount of money to stage the battle that is necessary to succeed. We must succeed and we know that you will not let us down. You will do your part in this biggest battle of the trucking industry.

"At our meeting held last night on House Bill 690, all present showed the fighting spirit we need in this emergency. We point with pride to the following concerns who have so generously offered their assistance financially:

Eves Trucking Co.	\$25.00
Thomas A Eazor	50.00
Wm. Falconer	25.00
Frank Lilly	25.00
Infantino Transfer	75.00
Federal Truck Sales	50.00
Fruehauf Trailer Co.	50.00
Autocar Sales	75.00
John Weiland	30.00
Superior Trailer	25.00
L. and H. Transportation	25.00
Sloan Noel	25.00
Brockway Motor Co.	25.00
H. J. Kirmeyer	25.00
Cummins Diesel	25.00
Association Fruit Freight Forwarders	75.00
Trutred Tires, Inc.	50.00
Edward Zurcher	25.00
Chas. C. Rosen	40.00
Hannon Transportation	25.00
International Harvester	25.00
Kann Hoffman Agency	25.00
S. R. and Ambrose Clouse	25.00
Harry Werksman	25.00
Helm's New York-Pittsburgh	50.00
Pittsburgh-Eastern	25.00
Beaver Valley Service	25.00
Lightning Local	25.00
Rieck-McJunkin Dairy	75.00
J. Kenny Transfer	25.00
Continental Transportation Lines	50.00
Geisler Transfer	15.00
Horton Motor Lines	25.00

M. and H. Transportation	25.00
North Braddock Motor	50.00
Mack-International Trucks	25.00
A. T. A. Service	10.00
R. R. Laraway	5.00
Conte Brothers	25.00
Pitt Ohio Express	10.00
Trans-American Freight Line	75.00
Ed. Werner Transfer	25.00
Harrison-Shields	25.00
Standard Motor Freight	25.00
White Motor Co.	25.00
Thomas Smith	10.00
Motor Age Transit Lines	25.00
Aetna Freight Lines	25.00
Abe Kramer	25.00
H. P. Johnson Agency	25.00
Kramer Brothers	25.00
Tobin Transfer	15.00
Genuine Motor Parts	25.00
General Tire Co.	25.00
West End Auto Wreckers	25.00
Dillner Transfer	25.00
Bowers Trucking Co.	25.00

"We know that you will want your name added to this list of those who have put their shoulder to the wheel and are bearing their share of the burden. Please make your check payable to P. M. T. A. and mail to 729 Fort Pitt Hotel.

"Don't fail to make your contribution—Don't fail to contact your Senators—Don't fail to pass the word along and get the cooperation of other operators and of your employees.

DO YOUR PART

SENATORS FROM ALLEGHENY COUNTY

Edward R. Frey, 354 Bailey Ave., Pittsburgh, Pa.
 James A. Geltz, Clearview Rd., Franklin Twp., P. O., Ingomar.
 Bernard B. McGinnis, 12 E. North Ave., Pittsburgh, Pa.
 Joseph M. Barr, 619 S. Negley Ave., Pittsburgh, Pa.
 John M. Walker, 359 Penna. Ave., Oakmont, Pa.
 John Fremont Cox, 3815 Main St., Munhall P. O., Homestead."

Mr. President, this document mentions only a small fraction of those who have paid "cash on the barrel head" to obtain the passage of the "Box-Car" trucking Bill. There are sixty-seven counties in this Commonwealth and within them is also comprised the metropolitan centers of Pittsburgh and Philadelphia. In these latter two centers the trucking industry is the most rich and powerful. In addition to this, Mr. President, I am reliably told that the trucking industry outside of the state have contributed to this "tremendous amount of money" to stage the battle that is necessary to succeed. I repeat, Mr. President, that it is common knowledge that the trucking industry has been called upon to pay "cash on the barrel head" in order to obtain the passage of legislation which they, by their own arguments, say is necessary to the people of this Commonwealth.

I call upon all sober and honest men within and out of this General Assembly to say why "a tremendous amount of money" is necessary to sponsor and promote sound and needful legislation.

I do not have the power of visitation into the records of the Pennsylvania Motor Truck Association. I do not have inquisitorial powers. Those powers are reposed by our Constitution in the Governor and the Attorney-General of this Commonwealth. I would recommend to them and all others at this time to make haste to exercise these powers so that the records of this rich and powerful organization may be immediately seized in order that the magnitude of the "tremendous amount of

money" collected by them and paid on the "barrel head" in connection with this Bill, can be made known to the people of this Commonwealth.

Permit me, Mr. President, to assure my colleagues of this Senate that I shall within the next week place before them another phase of this revolting situation.

In conclusion, I do earnestly hope and pray that the members of this General Assembly as well as any joint or separate Legislative Committee constitutionally created will not prejudice the case as has been done by the State Democratic Chairman, but allow me, here from the floor of this Senate and in my own way under the Constitution, to place before this body and the people of this Commonwealth the additional phases of this most revolting situation.

PERMISSION TO ADDRESS THE SENATE

Mr. SHAPIRO. Mr. President, I ask permission to address the Senate.

The PRESIDENT. The gentleman from Philadelphia, will proceed.

Mr. SHAPIRO. Mr. President, I am quite aware, and so is every Senator, of the constitutional provisions and protection of a member of this body, and also of the prohibition against questioning a member of this body on a speech made in the body. That, however, does not prevent any committee from calling before it any member of the Senate and inquiring whether he has certain information in connection with any matter under investigation. However, the gentleman from Fayette, Mr. Cavalcante, has asked for permission to make his statements here on the floor of the Senate.

Mr. President. I am not concerned at this time with the fact that organizations have raised money from their membership for the purpose of fostering a bill. I have called attention to that on several occasions and I agree, and have frequently said on the floor of this Senate, that the gathering of large sums of money for the purpose of fostering a bill may be of questionable character, but as I read the statements of the gentleman from Fayette, Mr. Cavalcante last week and re-read them again today, the charges were not that large sums of money were gathered together by associations for the purpose of fostering this bill but, and I will quote from a transcript of his statement "It is publicly admitted that persons having private indirect interests in the passage of this bill are members of this General Assembly."

Secondly that "the corrupt and venal Democratic leadership of Philadelphia and Allegheny make no secret of their lust for the cash that the corrupt Republican leadership of Pew and Grundy have placed on the barrel-head."

Not that members of any association had placed money on the barrel-head but that the corrupt gentlemen named Pew and Grundy have placed money on the barrel-head.

Mr. President, in view of the gentleman's statement that he has certain constitutional privileges, which I recognize, I wish to make the following motion:

MOTION THAT SENATE RESOLVE INTO COMMITTEE OF THE WHOLE

Mr. SHAPIRO. Mr. President, I move you, for the purpose of giving the gentleman an opportunity to tell this Senate, first, who are the members of this General Assembly who displayed no shame or hesitancy about pro-

moting the passage of this legislation, having private indirect interests in it and, secondly, when, where and how and for what purpose the gentlemen named Pew and Grundy have placed money on the barrel-head, that this Senate resolve itself into a Committee of the Whole and hear the gentleman from Fayette, Mr. Cavalcante, give us here and now the statement which he should have had, the information which he should have had in his possession, and which I assume he must have had, before he made the charges which bring in disrepute members of the community, such as Pew and Grundy, and members of the General Assembly—not next week, not next month, but here and now—to tell us the basis of such a very important and serious charge, that members of the General Assembly have an interest in this legislation and that Pew and Grundy have placed money on the barrel-head.

I therefore move you, Mr. President, that the Senate resolve itself into a Committee of the Whole for that purpose.

Mr. BARR. Mr. President. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. STEVENSON. Mr. President, may I ask the Senator from Fayette why he persists in his refusal to come before the Joint Committee? Do I understand you to say that you would not appear before a Joint Committee of the House and the Senate?

The PRESIDENT. Will the Senator from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I have deliberately placed in writing what I care to say at this particular time. As I have already stated, within the structure of the Constitution and in my own way and in my own time, from the floor of this Senate, I shall give further information.

Mr. STEVENSON. Mr. President, I am not quite clear on that answer.

May I ask the Senator from Fayette again whether he refuses to come before the special committee?

The PRESIDENT. Will the Senator from Fayette permit himself to be further interrogated?

Mr. CAVALCANTE. Please repeat the question.

Mr. STEVENSON. Mr. President, I want to ask the Senator from Fayette whether he refuses to appear before the Joint Committee as created by the Senate and the House of Representatives.

Mr. CAVALCANTE. Mr. President, I know of no committee until this time but what I have read in the newspapers. I had not been subpoenaed or been given notice by any committee until I was on my way to the Senate floor from my hotel room, when a sergeant-at-arms of this Senate handed me a paper and said "this is a subpoena." I have the subpoena in my brief case which, after I have attended to my constitutional duties before this Senate, I shall at leisure read and give my answer.

Mr. STEVENSON. Mr. President, the Senator from Fayette has raised a question in the minds of the Senators as to the personnel of this committee. He has asked whether or not the members of this committee were present at this truckers' banquet. As for myself, I desire to answer I was not present at that meeting.

I am prepared, Mr. President, and if the Senator from Fayette is willing to produce evidence before this committee, furnish us with leads, I assure him there will be

no whitewashing, that this committee intends to conduct this investigation in an impartial manner.

Mr. SHAPIRO. Mr. President. I should like to say, in connection with the statements of the Senator from Fayette, Mr. Cavalcante, until he answers certain questions which I think are pertinent, no one in this assembly has a right to sit on any committee because he has charged, without mentioning names, that persons having private indirect interests in the passage of this bill are members of this General Assembly and therefore. Mr. President, it seems to me pertinent that this is the time to have the question answered as to who they are. The statement was not made on information or belief; it was a direct statement that members of this General Assembly are interested in this bill.

Under those circumstances, Mr. President, every member of this General Assembly may feel that he himself is accused, and under those circumstances I think here and now is the time to have an answer to the question and I ask that my motion be acted upon.

Mr. GELTZ. Mr. President, the same argument would apply, in my judgment, that is, the one just used by the gentleman from Philadelphia, Senator Shapiro, in connection with a Committee of the Whole and I for one am opposed to this motion, since there has been by resolution created a Joint Committee for investigating this matter, until such time as Senator Cavalcante has been given an opportunity to appear before the Joint Committee. I understand that arrangements have been made for this evening. Senator Cavalcante has not, at least in direct words, said that he would not appear before the Joint Committee, and until such time as he has been given that opportunity I do not believe this matter should be pressed insofar as a Committee of the Whole is concerned.

Mr. SHAPIRO. Mr. President, I make the suggestion that I think it is bad policy for this Senate to permit this matter to become a serial, so that next week or next Thursday or this coming Thursday the gentleman from Fayette, Mr. Cavalcante, can appear and make some more statements. He has reiterated the statements that he made and if he reads a dozen lists of contributors such as he read here today he will be adding nothing new to the knowledge of the members of the Senate. Everyone knows organizations exist, that organizations sponsor legislation and organizations collect money to sponsor legislation. The charge is not made that organizations do that and that is not the basis of the charge.

The charge was made that those organizations, or somebody else—Messrs. Pew and Grundy and members of the House—have given and received some of that money, having personal interest in it, and it strikes me with the newspapers carrying the gentleman from Fayette's statement today, there ought to be a prompt answer from this Senate, and that is, that the gentleman who comes here pleading his constitutional privilege and refuses to answer any questions as to whether he will attend the meeting, or say that he will answer questions, should be promptly given the opportunity to answer those questions, and those questions should be put to him promptly.

I do not believe in a situation such as this any time should be allowed to elapse, because the statements I read are specific charges made, and should only have been made if the person making them was in possession of sufficient information to warrant making those charges.

No one within the sound of my voice can believe that, having stated that—he reiterates those statements—the gentleman would have made those statements unless he was prepared to say who are the members of the General Assembly who have an interest in this bill, and when and where the money was paid on the barrel by Pew and Grundy. Time is of the essence and that should be asked here and now. Had I been here on Wednesday, I would have asked the gentleman then to give the names of the persons to whom he referred as members of the Senate, and tell us when and where the money was paid on the barrel, and that is why I am in favor of hearing it now. There is no assurance that this gentleman will appear. He could have answered the questions of the gentleman from Clinton, Senator Stevenson, yes or no, and I think now is the time to get an answer.

Mr. GELTZ. Mr. President, it seems to me this is a matter that should be decided somewhat from a calm viewpoint. Last week we, after considerable discussion in conference, decided on a method of procedure. We took certain steps in line with that method of procedure.

Now, Mr. President, certainly it is not my intention to have this matter put off from day to day, nor week to week. However, it is our intention to recess some time later this afternoon until some time tonight. In the meantime, as I understand, there has been a meeting set by the Joint Committee at seven o'clock, standard time, and it seems to me the proper way to proceed would be to give the Senator from Fayette County an opportunity to appear, as he has been requested or demanded to appear, at seven o'clock standard time, this evening, at the meeting of the Joint Committee.

If then an appearance is not made, in the Session tonight this same matter can be taken up and a motion made to resolve into a Committee of the Whole, but I do not think, since the procedure, the proper procedure, in my judgment has already been instituted and started, that we should disrupt that machinery and start off on some new policy or some new plan.

Mr. MUNDY.. Mr. President, may I interrogate the Senator from Fayette, Mr. Cavalcante?

The PRESIDENT. Will the gentleman from Fayette permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will not permit myself to be interrogated at this time. I assure the gentleman from Luzerne that all the information that he is seeking will be furnished to him from the floor of this Senate.

Mr. MUNDY. Mr. President, as a matter of fact, I at the present time did not ask the Senator for any information, but he evidently had anticipated that I might. Mr. President, it seems to me an unusual procedure when a man appears on the floor of the Senate of Pennsylvania, and, if you please, as he would like it to be, courageously makes certain specific charges without mentioning names.

The point that has been lost sight of is that after all, well, we are members of the Senate and have been charged by the Senator from Fayette County, in blanket charges, and certain leadership of the state of Pennsylvania have been charged under a blanket arraignment, and the most vital and important point is that we are ourselves vitally concerned, but this gentleman from Fayette must not lose sight of the fact that after all this is a small portion of the people involved in this controversy, that the responsibility lies with him to let the ten million people in the state of

Pennsylvania have full possession of the facts, and if the situation is as serious as he has presented it to the Senate; if it involves the halls and members in the halls of this Legislature, it vitally involves the interests of ten million odd citizens, and I feel that it is his duty to either appear before this committee or to file objections now on the floor of the Senate to any members serving on that committee. I am sure I speak for myself, and I think I speak for all the members of the committee, when I say if there is any legitimate objection to any of us we will gladly remove ourselves from that committee and permit the Senator himself to pick from this body any of the Senators whom he might wish to sit in judgment of his charges.

Now, Mr. President, if the Senator, after making these grave and specific and blanket charges, wishes to get in like a turtle under a shell and avail himself of his constitutional privilege, then I say he is not doing his duty to the people of Pennsylvania.

Mr. DENT. Mr. President, I do not intend to say much concerning this thing except that I want to assure everybody that, constitutionally or otherwise, I will defend my position anywhere. I just want to say this in order to serve notice, because of the remarks the Senator from Fayette made concerning banquets, that I have been to banquets sponsored by county commissioners, Ladies of the G. A. R., tax collectors and every other conceivable type of organization, since I have been in politics. I have never thought that they considered me so small that I would sell my vote for the price of a dollar dinner.

I want to say to all of you here this afternoon that I happened to have been at that banquet; I enjoyed very much the discussion of the day as presented by Edwin C. Hill, and I also enjoyed two years ago the discussion as presented by Lowell Thomas, in the company of our good Governor James.

On the question,

Will the Senate agree to the motion?

(The following occurred during the calling of the roll).

Mr. DiSILVESTRO. Mr. President, I wish to be recorded as voting "present".

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

Mr. EALY. Mr. President, I wish to be recorded as voting "aye".

The PRESIDENT. The vote of the gentleman from Somerset will be so recorded.

Mr. STEVENSON. Mr. President, I wish to be recorded as voting "present".

The PRESIDENT. The vote of the gentleman from Clinton will be so recorded.

Mr. STIEFEL. Mr. President, I desire to be recorded as voting "present".

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

POINT OF INFORMATION

Mr. BARR. Mr. President, I rise to a point of information.

The PRESIDENT. The gentleman from Allegheny will state his point of information.

Mr. BARR. Mr. President, I should like to know how the Senator from Fayette is marked as voting.

The PRESIDENT. The Senator from Fayette is not recorded.

Mr. BARR. Mr. President, I heard the Senator from Fayette vote.

The PRESIDENT. How did the Senator from Fayette vote?

Mr. CAVALCANTE. Mr. President, I think on this matter I would mark myself as being "present".

The PRESIDENT. How did the gentleman from Somerset vote?

Mr. EALY. I voted "aye", Mr. President.

The PRESIDENT. In order that there will be no mistake, the Chair directs that the vote be verified.

The Clerk read the names of those recorded as voting in the affirmative, as follows:

Barr,	Dent,	Heyburn.	Shapiro,
Coleman,	Ealy,	McQuiddy,	
Cox,	Frey,	Mundy,	

The PRESIDENT. Are there any corrections? The Chair hears none. The affirmative vote stands as verified.

The Clerk read the names of those recorded as voting in the negative, as follows:

Bartlett,	Farrell,	Mallery,	Thomas,
Becker,	Geltz,	Miller,	Tyler,
Carr,	Haluska,	Reed,	Wade,
Chapman,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Detrick,	Kephart,	Tallman,	Woodward,
Edmonds,	Lanius,	Taylor,	Ziesenheim,

The PRESIDENT. Are there any corrections? The Chair hears none. The negative votes stand as verified.

The Clerk read the names of those recorded as "present", as follows:

Cavalcante,	DiSilvestro,	Stevenson,	Stiefel,
-------------	--------------	------------	----------

The PRESIDENT. Are there any corrections? The Chair hears none.

The roll stands as verified.

The yeas and nays were required by Mr. SHAPIRO and were as follows, viz:

YEAS—10

Barr,	Dent,	Heyburn.	Shapiro,
Coleman,	Ealy,	McQuiddy,	
Cox,	Frey,	Mundy,	

NAYS—32

Bartlett,	Farrell,	Mallery,	Thomas,
Becker,	Geltz,	Miller,	Tyler,
Carr,	Haluska,	Reed,	Wade,
Chapman,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Snowden,	Wilson, T. B.,
Detrick,	Kephart,	Tallman,	Woodward,
Edmonds,	Lanius,	Taylor,	Ziesenheim,

PRESENT—4

Cavalcante,	DiSilvestro,	Stevenson,	Stiefel,
-------------	--------------	------------	----------

So the question was determined in the negative.

QUESTION OF PERSONAL PRIVILEGE

Mr. HALUSKA. Mr. President, I rise on a question of personal privilege.

The PRESIDENT. The gentleman from Cambria will state his question of personal privilege.

Mr. HALUSKA. Mr. President, last Wednesday afternoon the Senator from Fayette, Mr. Cavalcante, made certain charges pertaining to a certain piece of legis-

lation. Whether he is right or wrong, of course, I do not know.

Upon the heels of those charges, when I arrived at my home I found that the Johnstown Democrat carried a large editorial pointing the finger of scorn at the members of the Senate and many notables in both political parties. Then a new brain child developed and an open letter was sent to each member of this Senate. I came to my desk this afternoon and I opened and read a letter edited by one known as Hiram G. Andrews, the editor of the Johnstown Democrat.

I hate to trespass upon the time of this Senate, but, Mr. President, and gentlemen of the Senate, when anyone should be attacked in the same manner I am attacked, I have no alternative; I must defend myself because my honesty, my sincerity, my integrity has been attacked by, once again I might say, this so-called insane editor, who happens to be in this chamber today.

Permit me to quote, Mr. President, some of the accusations:

"Now, how do we know that 'they' were running around trying to bribe Senators? A Senator has said so. A Senator has said 'they' tried to bribe him. But, holy man, he says he refused the bribe. However, this Senator has said that even though he stood firm and resisted the tempters there were others who fell."

"Quite likely some of the Senators who now pretend they are so indignant and who insist that names be named can recall having heard a Senator say 'they' were offering him money—lots of money—enough money to make him comfortable for life. Why didn't the Senators who now want names named insist that the Senator who said 'they' tried to bribe him, name names. There is a possibility that if the wicked 'they' had been exposed two years ago, the incorruptible uncorruptibles now in the Senate would not have been sprayed with accusations."

Further quoting, Mr. President:

"Incidentally we have heard that when Senator Bunk (and it refers to me as Senator Bunk) realized he was being left in the lurch, he went to 'they' and raised a howl."

Without further quoting that paragraph I will now quote further:

"The point we are making is that the honorable, the members of the Pennsylvania Senate have in their midst a naive, shivering soul, who has told of the terrible temptations that were placed in his path by wicked men. Surely the members of the Honorable, the Senate of Pennsylvania must realize that the way to protect and preserve innocence in 1941 is to punish those who attacked innocence in 1939. Bribery, unrebuked, two years ago, would quite naturally raise its ugly head now."

"It is in order to inquire why the members of the Honorable, the Senate of Pennsylvania did not rally to the cause of purity and insist the sorely tempted Senator Bunk unburden himself and tell the world just who 'they' were. Indeed, why shouldn't Senator Bunk name names now? If the Senators want names, let Senator Bunk name names. Perhaps the men Senator Bunk might name are the very men who have been trying by such wicked methods to secure the enactment of the 'motorized freight car' bill." End quote.

Now, Mr. President, I am going to name names. Since the gentleman from Cambria County has gotten down to

the level of asking for names, names shall be mentioned, because I admit today that one time in my life a bribe was offered to me, and that was back in 1939, and I say to you gentlemen the bribe that was offered to me was offered by that man, Hiram G. Andrews, in his own office, at the time I stood on nomination for county treasurer, when he asked me to submit my nomination to a Republican friend of his and if I should do so that I should receive a considerable sum of money for a period of four years. I declined to do so. So, since he asked names to be mentioned, I say that Hiram G. Andrews, who is in this chamber today, offered me the bribe he speaks so much about.

I can go on, Mr. President, and say plenty and get just as personal as he has, but I can not do that because of his good wife, the other half of his family, who I say is a real lady and I shall not punish her any more because she has been punished severely by the fact that she has been his wife.

Now, Mr. President, this same man goes on and I quote the following:

"Senator Bunk's maker has answered his prayers—so far. He has not attacked me physically—as yet. If he ever does I shall be compelled to take him apart, bit by bit, and then I will take the bits, reassemble them and make a man. The brass in the Senator, I will throw away and replace with honesty. The gall I will throw away, and replace with fidelity. The cunning I will throw away and replace with intelligence. Senator Bunk might be quite all right if his moral and intellectual parts were arranged right." End quote.

Mr. President, in other words he challenges me to a fight. Think of it, Mr. President, think of a little runt wishing to fight a full sized man. It only reminds me of an adult picking up a fly swatter and smacking a poor innocent little mosquito; you know what is left. Draw your own conclusions. That is what would happen if I should lower myself and engage in a fight with the gentleman.

Now, Mr. President, as I have mentioned here some time ago, it is tough to live in a county where we have an insane editor, the man who, I must repeat again, has sought public office, sought my seat, placed his name on the ballot, placed it before the American juries and they went to the polls and decided definitely that they had no use for him, did not want him or his type to represent them in the State Senate.

That should be the decision. It had been for centuries and as long as we have democracy it will prevail.

However, he has adopted what I term a double "r" policy, a two "r" policy, that is, he shall rule or otherwise he shall ruin. He has tried to rule and no doubt he will try to rule again. He swings a big stick in the County of Cambria. They tell me he runs the City of Johnstown, that he runs the county commissioner's office. He is trying to run the State Senate but of course he can not get any place there, as yet.

Now, Mr. President, he should speak of a man being honest. Permit me to read another quotation of his:

"We do not bear Senator Bunk any ill will on the score he is a Senator. Our disagreement roots in the fact that he is such an infernal and occasionally unskilled liar. An artistic liar we might admire—against our better judgment—but a clumsy liar, who is also a political crook, is

too much to stomach without at least one protesting belch." End quote.

Mr. President, at least I am not an artistic liar. He is definitely so. He is the same man, Mr. President, that robbed a poor widow in the City of Johnstown of ten thousand dollars, sold her down the river, the late widow of Warren Worth Bailey, when she sold the Johnstown Democrat. He can not say that about me. He is the same man, Mr. President, that has been accused in my county of robbing the Ebensburg Herald way back in the nineties of one thousand dollars, or ten thousand dollars, I am not sure which it is—it is up into the thousands—accused him of actually robbing the paper which he represented.

He is the same man that made a deal in my county, when a man by the name of Michael J. Boyle was elected sheriff, and upon his insistence the late Squire Walsh, the Democratic County Chairman, then was told not to seek the office of sheriff but if he should decline they would appoint him the first deputy and pay him additionally the sum of one hundred dollars per month and he, Hiram G. Andrews, would be the treasurer, and he promised definitely that each month for a period of four years he would pay him a hundred a month. My friends tell me the bargain went through, Boyle became sheriff, Andrews became treasurer and for four months he paid a hundred dollars and then like an artistic liar he said, "We do not have any more."

Then, Mr. President, he has the gall to point to somebody else and call him a liar, call him a crook. Why, if he ever gets his just dues he will never see the light of day again, he will never have an opportunity to persecute decent and honest men.

I said he comes in this chamber like a weasel in the day and goes back home and tries to create misrepresentations. I do not like to speak of these things, Mr. President, it is not kind, you might say, it is not encouraging, but I will stand up and defend myself here or anywhere. I am sick of an insane man being at large and being permitted to print a newspaper. I oftentimes have sympathy with the other members of the press who are trying to make an honest living but who are being looked down upon because of an insane man in their midst. He thinks he is kidding somebody; he is kidding himself. The people of this Commonwealth know what he is and, as the old saying goes, "by their work you shall know them and by their record you shall judge them." I am trusting that the sane people of this Commonwealth, and there are many thousands of them, will judge me and judge him by his record and I say to him now that if he knows of one red cent, or if anybody knows—I challenge the world—that I ever received illegally I want him to prosecute me, bring me before the Bar of Justice; I challenge the world to say that John Haluska ever took one illegal cent from any soul. That he cannot say.

MOTION TO PROCEED WITH CALENDAR

Mr. REED. Mr. President, I now move we proceed to consideration of the Calendar. It is very large today.

MOTION THAT SENATE RECESS

Mr. GELTZ. Mr. President, I move the Senate do now recess until ten o'clock p. m. eastern standard time tonight.

Mr. SHAPIRO. Mr. President, before that motion is acted upon, I make the suggestion I would like to serve

notice now that I shall renew my motion at the evening Session of this Senate, that the Senate resolve itself into a Committee of the Whole.

Mr. THOMAS B. WILSON. Mr. President, I second the motion of the gentleman from Allegheny, Mr. Geltz.

POINT OF ORDER

Mr. REED. Mr. President, I rise on a point of order.

The PRESIDENT. The Gentleman from Washington will state his point of order.

Mr. REED. Mr. President, at the time the motion of the gentleman from Allegheny was introduced I had previously introduced a motion that the Senate proceed to consideration of the Calendar.

The PRESIDENT. The Chair understood the motion of the Senator from Washington was not seconded.

Mr. SHAPIRO. Mr. President, a motion to adjourn is always in order.

Mr. REED. Mr. President, it was not a motion to adjourn; it was a motion to recess.

Mr. SHAPIRO. That is always in order, Mr. President.

The PRESIDENT. The Chair wants to be fair. The Chair heard no seconder to the motion of the gentleman from Washington; then there was a motion by the Senator from Allegheny, Mr. Geltz, seconded by the gentleman from McKean, Mr. Thomas B. Wilson, that the Senate now recess and that is the question now before the Senate.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 10 o'clock, p. m. E. S. T.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

TIME OF NEXT MEETING

Mr. MALLERY offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 9, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 16, 1941, at 3:30 o'clock P. M. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 16, 1941, at 8 o'clock P. M. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

INTERIM REPORT OF SPECIAL INVESTIGATING COMMITTEE

Mr. STEVENSON. Mr. President, I desire to make the following interim report of the Joint Committee of the Senate and House, duly convened in Executive Session June 9, 1941, at eight-thirty p. m., to consider the charges of the Senator from Fayette, Mr. Cavalcante:

INTERIM REPORT OF THE JOINT COMMITTEE OF THE SENATE AND HOUSE DULY CONVENED IN EXECUTIVE SESSION JUNE 9, AT 8:30 P. M. ADOPTED THE FOLLOWING RESOLUTION

Inasmuch as the gentleman from Fayette, Mr. Cavalcante, the originator of the charges that a criminal con-

spiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed; and

Inasmuch as the said Senator has publicly stated on the floor of the Senate in legal session, to wit: June 9, 1941, that he will substantiate the said charges upon the floor of the Senate, but has failed to manifest any cooperation with the Joint Committee, the said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instructions and advice of the said respective bodies.

(Signed) GEORGE B. STEVENSON

Chairman

(Signed) CARLTON T. WOODRING

Co-Chairman

MOTION TO ADOPT REPORT

Mr. GELTZ. Mr. President, I move that the report of the committee be received and approved; that the committee be commended for its efforts and be instructed to proceed further with the investigation.

Mr. JAMES. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the gentleman from Allegheny state just how this committee can proceed further?

Mr. GELTZ. Mr. President, that is a matter for the committee to decide, what its procedure shall be; it is a committee consisting of gentlemen of ability and integrity and it is within its powers to call any persons before it to give testimony that it thinks will have any knowledge concerning any of the statements made.

Mr. SHAPIRO. Mr. President, does the gentleman from Allegheny think anybody outside of the Senate of Pennsylvania would pay any attention to a subpoena from this committee, when a member of this Senate ignores a subpoena of the committee and the Senate does nothing about it?

Mr. GELTZ. Mr. President, I am not sure I understand the question. I understood the Senator from Philadelphia to say any person outside of the State of Pennsylvania; I do not know whether he means that or not, but if he does I think that is going much further than it is necessary to go.

Mr. SHAPIRO. Mr. President, does the gentleman from Allegheny think that anybody within the Commonwealth of Pennsylvania, any citizen, would have any regard for a subpoena issued by a committee, which committee has issued a subpoena to a member of the Senate and which committee has permitted that member of the Senate to ignore that subpoena; does the gentleman from Allegheny think anybody else outside of the Senate would pay much attention to that if the Senate does not do anything about that process?

Mr. GELTZ. Mr. President, I do not think it is quite fair to say that the committee has permitted the gentleman to ignore its subpoena. The committee will proceed with its investigation and can make further effort as it deems fit to have the gentleman from Fayette in attend-

ance before the committee. There is nothing to prevent that. There is no reason why we should think, because of this report of the committee, asking for further instructions, that the investigation has come to an end.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Chairman of the Committee, the gentleman from Clinton, Mr. Stevenson.

The PRESIDENT. Will the gentleman from Clinton permit himself to be interrogated?

Mr. STEVENSON. I will, Mr. President.

Mr. SHAPIRO. Mr. President, will the Chairman of the Committee state whether or not the gentleman from Fayette, Mr. Cavalcante, ignored the subpoena of the committee.

Mr. STEVENSON. Mr. President, at the time of the meeting of the committee Mr. Cavalcante failed to appear. Prior to that meeting he called me upon the telephone stating that he was preparing a letter for the committee, which letter I have just received here at my desk. Other than that, or up to the time the committee held its executive meeting, the subpoena was ignored.

Mr. SHAPIRO. Will the gentleman read to the members of the Senate the letter from the gentleman from Fayette?

Mr. STEVENSON. "My dear Senator Stevenson: About 3:15 o'clock p. m. eastern standard time today a Senate Sergeant-at-Arms handed me a paper which I find to be a subpoena, under your hand and seal, directing me to appear before your committee in the Caucus Room of the House of Representatives to testify according to my knowledge concerning the conduct of certain members of the General Assembly. I am indeed sorry that I must decline obedience of your subpoena at this time, due to my attendance at the present session of the Senate of the Commonwealth. I assure you, my dear Senator, I intend to cheerfully spread upon the Senate Journal all the information I have on the subject of your inquiry. I trust that it may be of some aid to you and your committee. My information will be available seasonably to your committee. Thanking you and your committee for the courtesy represented by your subpoena, I am very respectfully yours, Anthony Cavalcante."

Mr. SHAPIRO. Mr. President, I must say that if a majority of this Senate feels that in view of that letter and in view of the action of the gentleman from Fayette, that they are going to appear in a good light before the public in a situation in this kind, I am inclined to say very frankly I do not agree with them.

This to me is one of the most important situations in which the Senate of Pennsylvania could find itself, or any other legislative body.

Mr. President, I hold no brief for anybody who was named in the charges made, but I do feel that those gentlemen, some of whose political conduct I have personally criticized and will continue to do so if I feel the same way about their future conduct as I do about their past, are entitled to have their integrity treated in the same manner and with the same respect as any other citizen.

In addition to that, Mr. President, I feel, as a member of this Senate, I am entitled to have it made known publicly whether I am one of the persons who was supposed to have had a particular interest in this bill. There has been no single party singled out as the person against whom the charge has been made, and no single individual, but the charge has been made in such broad terms

that every man in this Senate ought to feel that it is a reflection upon him and his colleagues.

I think everybody will agree that this has gotten past any political situation, and I think that to send this back to the committee and have this committee hold a meeting tomorrow and invite the gentleman from Fayette and all the newspapermen to attend, and then have us to sit around, as we have done on two occasions today, and wait for a telephone message or wait for a letter or the convenience of the gentleman who made these serious charges, if we are doing just that, then I think the gentleman from Fayette has probably accomplished his purpose, which is to make this body look ridiculous.

I for one want to protest against it, because I think this Senate ought not to sit supinely by and allow this condition to continue day in and day out.

Mr. President, I suggest to this committee they have a method, and the method lies in the Constitution. The committee cannot enforce this process, Mr. President, but the Senate can. Article two, section eleven of the Constitution, reading from page 34 of the Pennsylvania manual, is as follows:

"Section 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process . . ."

Mr. President, the process served upon the gentleman from Fayette was the process of the House and the Senate. If this committee thinks it is its duty, after the charges made, to go out and hunt up people who can tell it something about the charges made by a member on our Senate floor, I think the committee is very much mistaken; it will get nowhere with that, but it can come before the Senate and it can say to the Senate, as the chairman of the committee has stated, that its subpoena, its process has been disobeyed, and can ask this Senate to enforce this process.

Mr. President, it is a simple proceeding to do that. If this report is going to be accepted with the suggestion made by the gentleman from Allegheny, which in my opinion is innocuous and holds us up to ridicule before the public, then I think that some proceedings will have to be taken.

I think it is outrageous to suggest that we should tell this committee to go out and ask other people to do that which the man who made the charges would not do, namely, to furnish specific evidence of alleged crimes, which no one else has said have been committed except the gentleman from Fayette. If he glories in his position now I do not blame him because, were I in the same position, were I able to permit myself to do what has been done in the presence of all the members of the Senate—ignore the process, disregard the common decencies of the situation—and the people in power unwilling to take steps which they have a right to take, which is to insist that the process of this committee shall be obeyed, then I might probably think the same about the members of the Senate as he does at the moment.

Mr. GELTZ. Mr. President, I am sorry to see that this matter is developing just along the lines that might have been expected. Our colleague from Philadelphia asks us the question whether or not we think we will make a hit with the public by what we are doing. It seems to me that the important question for us to consider, as individuals and as a body, is what course can we follow to best secure

the truth in connection with the statements made on the floor of this Senate Chamber.

At this time, Mr. President, there is nothing before the Senate except the motion to receive, commend and approve.

If the Senator from Philadelphia is so much more sincere than all of his colleagues here, after the vote on the motion is taken we will be glad to receive his suggestions and he can make his suggestions in an orderly way, Mr. President, by addressing the Chair.

Mr. MUNDY. Mr. President, I presume the Senator from Fayette will stand on his statements made this afternoon, in which he refused to be interrogated by me, and therefore I want to make the following statements:

As a member of this committee it has been very difficult for me to understand the attitude of Senator Cavalcante in this affair. If I understand the function of this committee correctly, I understand this committee was appointed by resolution, this Joint Committee, not to try the Senator from Fayette, as he would have most people believe, but to investigate the charges against other individuals which he made on this floor.

Therefore, Mr. President, I cannot understand why the Senator, who is charged with nothing and whom no member on this floor has made any direct charges against, should suddenly avail himself on his constitutional rights against practically nothing.

The situation, so far as the committee is concerned, is that the committee is anxious and willing and would like to collaborate and cooperate with the Senator in pursuing, in following up the charges that he might make against any member of this Senate or any member of the House. The committee members have stated individually and they have stated collectively that their idea is that there should be a fair, open and impartial investigation of these charges, but suddenly we are deprived of the main factor, the one man who by his own statements is in a position to give us the information upon which we might proceed, under the guise that he feels this committee is organized to persecute him for some imaginary charge.

Mr. President, I would like to say to the Senator very definitely that there is no such attitude by any member of this committee, but we are anxious, because this is a serious proposition, that this matter should be thoroughly gone into in the most minutest detail, and I therefore feel that this matter should not be approached hastily or hurriedly but that it should be gone into very carefully, and I want to appeal to the Senator from Fayette, Senator Cavalcante, direct, in a man to man fashion:

I have heard you on the floor, on frequent occasions talk seriously, in a very patriotic strain, I have heard you appeal to the heart and soul and the brain of the members here, to engender into them a super-patriotism. Now, I say we are at a critical time in the history of America, when every real American's first duty is to maintain institutions, constituted institutions and constituted government, and when anybody attacks a constituted form of government, he serves to shake the confidence of most people in constituted authority and I say that just now this is a serious, a very serious consideration. It would be serious if some persons back home with no degree of responsibility made a charge against some constituted authority, but it is doubly serious when a man, elected to the Senate of Pennsylvania, on this floor makes these charges without mentioning any specific instance and, regardless of what you

feel, Senator—and it may be your idea, it may be the thing that you are appealing to, it may be the thing that you desire, but it is absolutely, from the standpoint of citizenship, to be deplored.

You have engendered in the minds of a great many people of the Commonwealth of Pennsylvania the idea that these members serving in the Senate of Pennsylvania have been subjected to bribery, that they have openly invited that as members of the Senate, and particularly you have charged that members of the House over there have been guilty of criminal conspiracy to obstruct justice, and I say to you Senator, in all seriousness, if you can produce one name, if you can produce one fact, or a series of facts, there is not a man on this committee that will not give you his wholehearted support to pursue this thing to the end, if we have to sit here all year to get out in front of the public the guilty individuals, but at the same time we have another duty, we cannot permit anybody to soil the honesty, to attack the integrity of any innocent man and you, as a member of the bar, who has taken the oath which the Bar Association requires, both ethically and in practice, have a double duty.

You know the rules of evidence, you know the seriousness, should know the seriousness of such a charge. You know what the procedure would be in ordinary court, if you were a lawyer on this side, if you were protecting the interests of either side, you should deal here in the Senate with its members and with those who are under a cloud in the same fair way and in the same fair manner that you would ask any client of yours to be dealt with in an ordinary court of law, and until you clarify your position, by either word on the open floor here or wherever you care to do it, and come down and give us something tangible, give the committee chairman something tangible, mention names, give us the name of a single individual, by name, that is crooked in Pennsylvania—you know him, you said you knew him—you owe it to the Senate, you owe it to the ten million people in Pennsylvania to come up to the microphone and say "this man is crooked, this man is dishonest, and I file charges," and I assure you the committee will function.

Mr. GELTZ. Mr. President, first I want to commend our colleague, Senator Mundy, for his very fair and calm analysis of this situation and his proposed method of procedure.

I think that he took absolutely the right course when he appealed to our colleague from Fayette County, and at this time I also want to appeal to the honor of our colleague from Fayette County.

I want to say to you, Mr. President, and to our colleague from Fayette County, that our course thus far has been charted with the idea in mind to give our colleague every constitutional right and protection to which he is entitled, and I think, Mr. President, the record as it shows our course thus far will show that we have been absolutely fair, that we have tried to be perfectly calm, that we have endeavored to proceed with this inquiry and investigation in as nearly a correct and proper manner as is possible.

Now in return, Mr. President, I appeal to our colleague from Fayette County and ask him the direct question does he not think by the same measure of fairness that we have endeavored to show him, that it should not only be his duty but it should be his privilege and his pleasure to deal with his colleagues in this body in the same fashion.

Serious charges were made on this floor, Senator Caval-

cante, and those serious statements and charges reflect upon the integrity of every single one of your colleagues in this body.

Now, if it be that you have any information involving any single or greater number of individuals in this body, in fairness to those others who have made every effort to extend to you all the fairness within their ability, do you not think this is the time and the place to name names?

In fairness to my colleagues on the Republican side, Senator Cavalcante, and to myself, I feel that we have come to the point where it is necessary that I ask the point blank question: Do you have any knowledge whatsoever or any information whatsoever concerning or affecting any of our colleagues or myself?

The PRESIDENT. The question before the Senate is on the motion of the Senator from Allegheny, Mr. Geltz, seconded by the gentleman from Bucks, Mr. James, that the report of the Joint Committee of the House and Senate be received and approved and that the committee continue with the investigation.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. Before the roll is called the Chair advise the visitors they are here only through the courtesy of the Senate and they must refrain from any demonstration.

The Clerk will call the roll.

(During the calling of the roll the following occurred:)

The PRESIDENT. Does the Senator from Fayette, Mr. Cavalcante, wish to vote?

Mr. CAVALCANTE. "Present."

The PRESIDENT. How did the gentleman from Westmoreland, Mr. Dent, vote?

Mr. DENT. Mr. President, I desire to be recorded as voting "aye."

The yeas and nays were required by Mr. GELTZ and Mr. JAMES and were as follows, viz:

YEAS—46

Barr,	Ealy	Mallery.	Stiefel.
Bartlett.	Edmonds.	McCreesh.	Tallman.
Becker.	Farrell,	McQuiddy.	Taylor.
Carr.	Frey.	Miller.	Thomas.
Chapman.	Geltz.	Mundy.	Tyler.
Coleman.	Haluska.	Reed.	Wade.
Cox	Heyburn.	Ruth	Watkins.
Crider.	Homsher.	Scarlett.	Wilson. H. I.
Crowe.	James.	Shapiro.	Wilson. T. B.
Deltrick.	Jaspan	Snowden.	Woodward.
Dent	Kephart.	Stevenson.	Ziesenheim.
DiSilvestro.	Lanius.		

NAYS—0

Present—1

Cavalcante.

So the question was determined in the affirmative.

MOTION THAT SENATE RESOLVE ITSELF INTO COMMITTEE OF THE WHOLE

Mr. SHAPIRO. Mr. President, I move that the Senate do now resolve itself into a Committee of the Whole for the purpose of interrogating the gentleman from Fayette in connection with these charges.

Mr. BARR. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. REED. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Washington will state the point of order.

Mr. REED. Mr. President, there is no power, legal authority, in the Senate body to initiate an investigation as a Committee of the Whole against a member of the body.

The PRESIDENT. The Chair must rule the point of order of the gentleman from Washington is not well taken.

The Senate can resolve itself into a Committee of the Whole for any purpose whatsoever; in such event the Committee of the Whole would have to determine what action it should take. In such event a Senator who is to be interrogated is governed by the same rules in a Committee of the Whole as in a Senate session.

Mr. REED. Mr. President, in this case the gentleman from Philadelphia stated the purpose of going into a Committee of the Whole was for the purpose of investigating these charges, which are charges against one of the members.

Mr. SHAPIRO. Mr. President, that is not my motion. My motion was to interrogate the gentleman from Fayette, not to investigate the charges, but to interrogate the gentleman from Fayette.

Mr. REED. I do not dispute that, Mr. President, but I still reaffirm my position that if the Senate is going into an investigation of one of the members of this body, I maintain that there is no legal authority, no power vested in this body to go into a Committee of the Whole for that purpose.

The PRESIDENT. The Chair must adhere to its original decision: the point of order raised by the gentleman from Washington is not well taken.

Mr. REED. Mr. President, may I inquire of the Chair whether the Chair has any decisions or any authority to substantiate his decision?

The PRESIDENT. A majority of the Senate shall always govern as to whether the Senate shall resolve itself into a Committee of the Whole. Regarding the question of interrogation of a Senator, a Senator can decline to be interrogated. A Senator may be interrogated but he has the same rights and privileges in the event the Senate is resolved into a Committee of the Whole as he has under regular procedure of the Senate.

Mr. REED. Mr. President, I have spent some time endeavoring to find some authority on that proposition and I have been unable to find any decisions leaning towards the side the Chair has taken. I have found decisions leaning the other way.

Mr. THOMAS B. WILSON. Mr. President—

The PRESIDENT. We must proceed in an orderly manner. The gentleman from Washington has raised a point of order.

The Chair reads from rule nineteen of the Senate:

"Committee of the Whole. 19. The Senate may resolve itself into a Committee of the Whole at any time on the motion of a Senator duly seconded and agreed to by a majority of those voting . . ."

That rule does not qualify the purposes for which the Senate shall resolve itself into a Committee of the Whole.

Mr. THOMAS B. WILSON. Mr. President, I suggest to the Senator from Philadelphia that he rephrase his motion. I doubt the ability of the Senate to interrogate the Senator from Fayette in regard to his charges. I have no doubt about the ability of the Senate and the right of Senators to interrogate the Senator from Fayette as to whether or not he has any facts that affect members of the House or Senate and I think this motion should be carefully worded so that the interrogation is directed to the Senator from Fayette to determine whether or not he has any facts, disregarding any statements made on the floor. Mr. President, I think the Senate of Pennsylvania has the right to ask him whether or not he knows of any facts affecting the official conduct of members of the Senate or the House of Representatives.

The PRESIDENT. The Chair must correct the Senator from McKean. The gentleman from Philadelphia did not state he was going to interrogate the gentleman from Fayette about this particular subject at all. It was to interrogate.

Mr. THOMAS B. WILSON. Mr. President, I must beg the pardon of the Chair. The motion did not read that way.

The PRESIDENT. The Chair stands corrected.

Mr. SHAPIRO. Mr. President, I think the gentleman from McKean is correct. I am not here dealing in verbiage; I am here for a specific purpose. I think the gentleman's point of order is well taken and I should be glad to amend my motion so that it shall read:

MOTION AMENDED

Mr. SHAPIRO. Mr. President, I move that the Senate resolve itself into a Committee of the Whole for the purpose of inquiring of the gentleman from Fayette whether he has any facts concerning the membership of this Senate, unlawful conduct of the membership of this Senate.

Mr. GELTZ. Mr. President, I desire to interrogate the gentleman from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHAPIRO. I will, Mr. President.

Mr. GELTZ. Mr. President, can the Senator from Philadelphia tell us what we can do in a Committee of the Whole that we can not do in a regular session of the Senate?

Mr. SHAPIRO. Mr. President, In a Committee of the Whole, as against the interrogations in the Senate, we are not confronted by rules with regard to the number of times that statements or speeches may be made, we are not bound by interrogation but may direct specific questions to any member of the Senate. We have more freedom of action and we sit as a committee and we can make a report or suggestions to the Senate after the committee arises, and I think we should sit as a Committee of the Whole to consider the effect of the questions and answers and then we will be in a position to make recommendations to the Senate when the Senate reconvenes.

Mr. GELTZ. Mr. President, I desire to further interrogate my colleague from Philadelphia.

The PRESIDENT. Will the gentleman from Philadelphia permit himself to be further interrogated?

Mr. SHAPIRO. Yes, Mr. President.

Mr. GELTZ. Mr. President, I would like to know if it is not true that the only difference between the proceedings in a Committee of the Whole and the proceedings in the Senate body, which might be applicable to the proceedings now pending, is that a Senator may speak more than twice on any subject.

Mr. SHAPIRO. No, Mr. President, that is not the only difference. The difference is while sitting as a Committee of the Whole we can determine what we should do; we can adopt resolutions or we can adopt motions as to what ought to be done and we can decide the whole problem and make recommendations to the Senate.

Mr. GELTZ. Mr. President, I should like to know from my colleague if it is not true, when or if we do resolve ourselves into a Committee of the Whole, the President of the Senate shall appoint a chairman of the committee and step down from the Chair.

Mr. SHAPIRO. That is correct, Mr. President, and that is the purpose of the motion, that the President of the Senate shall not preside, that we shall be in the position of any other committee, that we shall adopt resolutions as a committee and that we shall make reports as a committee to the Senate when the President resumes his Chair.

Mr. GELTZ. Mr. President, is it not also true that when a chairman of the Committee of the Whole has been appointed that the interrogation must proceed from the interrogator to the chairman of the committee and then to the person being questioned.

Mr. SHAPIRO. Not necessarily, Mr. President, unless the committee adopts that rule. Every committee has the right to adopt its own rules, if as and when it meets.

Mr. GELTZ. Then, Mr. President, I understand the gentleman from Philadelphia to say that the committee would have to adopt its own rules.

Mr. SHAPIRO. Mr. President, it would not have to adopt any rules, unless somebody wanted to raise a question; it could proceed under the regular rules of any committee meeting.

Mr. GELTZ. Then, Mr. President, would not a motion now to suspend the ordinary rules governing the procedure of the Senate be a better procedure than the motion made by our colleague from Philadelphia.

Mr. SHAPIRO. No, Mr. President, but the effect of the motion I am making is the same, except there is an additional proposition, that this same committee, a Committee of the Whole, can do what the Senate can not do if the rules are suspended. This committee could consider any subject it sees fit; it can act in any way it sees fit; it can formulate resolutions and present them to the Chair on the very subject we are discussing.

Mr. GELTZ. Mr. President, I understood in the motion, or in the comment made by the gentleman from Philadelphia, that the reason for the Senate resolving itself into a Committee of the Whole was for the purpose of being better able to interrogate our colleague from Fayette. Is that correct?

Mr. SHAPIRO. That is one of the reasons, Mr. President.

Mr. GELTZ. Mr. President, I would like to know if it would not be a better form of procedure to at this time first endeavor to interrogate our colleague from Fayette County?

Mr. SHAPIRO. No, Mr. President, I do not think it is, because I think if we do that eventually we have to

come to this motion in any event. I recall before the recess I made a similar motion and the suggestion was made to me if this motion had been made after seven o'clock, when the committee had held its meeting and the gentleman had refused to appear, then the motion would be considered more favorably.

Now, Mr. President, I have waited until after the gentleman has refused to appear and I feel that the Senate, as the Senate, should consider what it should do. I voted for the motion to receive the report of the committee, although I said I thought we were taking an innocuous procedure. I certainly would not vote "no" on a motion asking the committee to continue or to approve the actions of the committee so far, because there is nothing else they could do, but I feel we should not sit idly by and let this committee go out on a fishing expedition.

I do not think this committee has any right, after a single member of this Senate made charges, to sit down and subpoena willy-nilly people about whom they know nothing and try to find out something when they have no basis for the charges other than what they can hear now and I very frankly say to you the only way to guide this committee—because that is what the report was, they asked for guidance—is to find out just where we stand, if we have anything upon which to proceed, and if we do not have anything upon which to proceed, to tell the committee members to go back to their seats and let us resume our business. I think the best way to determine that is by a Committee of the Whole.

Mr. GELTZ. Mr. President, I thank our colleague from Philadelphia. In order that our position may be understood, and not be misunderstood, as was indicated by our colleague from Philadelphia County, the Joint Committee which was appointed was appointed in such a way or was of such a character as to give it a bi-partisan complexion. In other words, Mr. President, on that Joint Committee is an equal number of Democrats and Republicans.

It seems to me, Mr. President, that if any report of investigation is to be considered as a fair report it should come from a committee of that kind.

If we are to resolve ourselves in this Senate into a Committee of the Whole we become then a committee consisting of thirty-two Republicans and eighteen Democrats. I just mention that, Mr. President, so that all of the members of this body may take that into consideration before taking this next proposed step, because our colleague from Philadelphia stated, first, that he wished to be better able to interrogate our colleague from Fayette County, and then he afterwards stated that we could better consider what our next step of procedure should be, or what action, if any, should be taken.

It seems to me, Mr. President, that in line with the very fair discussion by the gentleman from Luzerne, Dr. Mundy, previously, this body should not recklessly or foolishly be stampeded into some course of action which may not be a fair or proper course of action. If the members of this body, after considering the complexion of the Joint Committee and the change of complexion of a Committee of the Whole, decides that they ought to resolve into a Committee of the Whole, then that should be the proper step and procedure to follow.

Mr. SHAPIRO. Mr. President, I want to make it clear I had not intended by anything I said to change my opinion of the procedure by the members on both sides of the Senate. I have no doubt in this instance that every member here is trying to do that which he thinks is best under the circumstances. I, in my turn, am trying to urge upon the Senators my point of view. I do not claim to have all the knowledge in the world, but I do think that when a committee such as we have appointed asks us for further instructions, for further guidance, a Committee of the Whole is the committee to give them that guidance.

I asked myself the question, when that report was submitted, how are we to give that committee guidance; are we going to give them guidance individually, are we going to go before them as individual members or talk to them as a group, and give them guidance, or are we going to sit as a Committee of the Whole and give them the answer to that question which they put to us—"Just what shall we do further?"

Mr. President, it is for that specific reason I am asking the members of this Senate to do that in the interest of expediting our work, and in the interest of not being put in the position of coming here every day and being put in the same situation as we have been for two months, as I recall.

Mr. President, I recall two or three months ago the gentleman from Fayette, Mr. Cavalcante, told us at a certain time he was going to name names and give dates and give places about something. We did not understand what he was talking about. Whether this situation now brought to our attention is what he mentioned or talked about before or not I do not know, but we are now nearing what I hope will be soon the end of the session and I do not want to feel, with these specific charges, I have to sit here upon the good graces and good nature of the gentleman from Fayette, Mr. Cavalcante, for further information as to what he intends to do, and I think that is one of the things which ought to be considered by the committee.

For myself, Mr. President, I say frankly I propose, if the Senate accepts my motion, to ask the gentleman one or two questions. If he answers those questions and gives us a basis of procedure, well and good; if he does not, I am going to wash my hands of the whole proposition and feel I have done all within my power to find out what is back of these charges, whether there is any basis for them, and what we should do, and if the gentleman from Fayette, Mr. Cavalcante, who seems to be the only one who knows anything about it, intends to keep that a secret to himself then I think we had better let the committee go about its regular legislative business and come what may.

Therefore, Mr. President, I suggest and ask the members of the Senate to join me in this motion that the Senate resolve itself into a Committee of the Whole and give the committee the advice it wants and has asked for.

Mr. DENT. Mr. President, as a member of the Democratic party, I would like to ask the Democratic Floor Leader, Mr. Shapiro, to withdraw his motion, for the simple reason I think our colleague from Luzerne, Dr. Mundy, clearly stated here for all to know, that this is not by any stretch of the imagination an investigation or persecution of any member of this Senate.

Therefore, Mr. President, in the face of the motion just passed by this Senate, in which it accepted the report of the committee to date and expressed its willingness to have the committee continue its work and to continue to try to get to the bottom of the charges made, and in the face of the assertion of the gentleman from Fayette this afternoon that he would give certain information to the Committee, I feel that it would be proper at this time for the gentleman from Philadelphia, Mr. Shapiro, to withdraw his motion that the Senate resolve itself into a Committee of the Whole. Otherwise we would be taking the position of putting the committee in the embarrassing position, I might say, of being rebuked by its own Senate because, first of all, you greet us by saying we have done good work, you have accepted it, and you say for the committee to continue on in the work it is endeavoring to do, and then in the next breath, because a motion is made, you say you do not think the committee is doing the right job and therefore you take it out of the committee's hands.

Mr. President, I want to say I have known the gentleman from Fayette many years and we have been personal and political friends for many years, and I want it clearly understood I will take no part in any investigation into his own integrity and honesty. I have believed and always felt that way towards him, that he is honest and that he does things conscientiously, and if he has any information I have no doubt whatsoever that in time he will give it to the committee; I hope that it will be soon, I pray he will give to us the same cooperation that we are trying to give to him, and I ask the gentleman from Philadelphia to withdraw his motion, as otherwise I intend to vote against it.

Mr. WOODWARD. Mr. President, I would like to submit that this is a legislative inquiry which does not pertain to the chairman of the Democratic Committee, Mr. Lawrence, or Mr. Pew or Mr. Grundy; that is none of our business; our business is to clear the reputation of any member of this Legislature which has been in any way besmirched by any suspicion cast upon his reputation.

Now, Mr. President, of all the members of the Legislature, there is only one man who has been directly accused by the Senator from Fayette. That man is Representative Melchiorre.

It is perfectly proper for the committee to summon Mr. Melchiorre, as they have definite accusations by the Senator from Fayette against this one member of the Legislature, but I certainly do not feel that I am under a cloud from anything he has said and I think probably other members feel the same way.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Westmoreland.

The PRESIDENT. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. DENT. I will, Mr. President.

Mr. SHAPIRO. Mr. President, the gentleman from Westmoreland is a member of the Committee which has now reported to the Senate; that is correct, is it not?

Mr. DENT. That is correct, Mr. President.

Mr. SHAPIRO. Mr. President, I read in the report that the Committee will "await the advice of the said re-

spective bodies." Will the gentleman from Westmoreland tell us how he expects to get the advice of the respective bodies—or of this Senate?

Mr. DENT. Mr. President, I understood we were given that advice when the Senate unanimously accepted the report and suggested that we continue with our endeavors.

Mr. SHAPIRO. Mr. President, that is not what the Committee said; the Committee said it would await the advice of the respective bodies. I am perfectly willing not to impede the progress of this investigation, but I would like to know what the committee meant when it asked for advice and how it expects to get it from this body.

Mr. DENT. Mr. President, we thought it would be much better to give the Senate a report on our activities to date. Whether or not the Senate decided to give us the power to continue, to give us its blessing, if you please, or whether they decided to take it out of our hands, I believe the Senate answered that by giving us its blessing to continue on our way.

Mr. SHAPIRO. Mr. President, I understand the Senator from Westmoreland is motivated by what he thinks the best way of handling the situation but I should like to press further, if the gentleman does not mind, that this is not what this Committee is going to do according to the report; the Committee is going to wait, it is not going to do anything else, according to this report, except await further instructions and advice from the said respective bodies. As I read that it means the committee is going to sit down and wait for the Senate and House to tell them what to do.

Really, Mr. President, I understand the desires of the gentleman from Westmoreland, but I wish to call attention to the fact that this leaves us in the position that the Committee will not do anything further. Let us not fool ourselves about this. That is what the report says—we will await further advice.

Mr. President, did the gentleman from Westmoreland understand that to mean the committee could go ahead, after the report was accepted.

Mr. DENT. Mr. President, I believe statements were made that there are other procedures that the Senate and House committee might follow that have not yet been exhausted. Therefore I feel if in the judgment of the Senate it feels it is best for this committee to continue upon the investigation then it is not necessary, unless you want to rebuke the committee, to go into a Committee of the Whole.

Mr. President, if a Committee of the Whole is decided upon I can assure you I will no longer serve upon the committee, because thereafter, I would not consider our work worth while, and if the Senate does resolve itself into a Committee of the Whole, it certainly is not proper for the Senate to say "you continue after we are through."

Mr. SHAPIRO. Mr. President, I hope the gentleman from Westmoreland does not assume from the fact I have moved that the Senate resolve itself into a Committee of the Whole, for the purpose of asking questions of the gentleman from Fayette, that that means I intended to rebuke the committee. I understood the committee wanted the Senate to give it further instructions.

Mr. President, I should like to further interrogate the gentleman from Westmoreland and ask him if he will en-

lighten us as to whether or not the committee is prepared with names to call other witnesses than the gentleman from Fayette.

Mr. DENT. Mr. President, I do not believe that I, as a member of that committee, have the right to say what the proper procedure of the committee will be, until we as a committee assemble and have an Executive meeting to decide upon what we feel is the proper and most expeditious thing to do. I think we are all motivated by the same purpose. We want justice done to everyone. Every member of this Senate and every person named is entitled to fair play, and I for one am determined every person shall get fair play.

Mr. SHAPIRO. Mr. President, I shall be guided by what the Senate does. In making my motion I have no personal feeling in the matter and I will be glad to have the Senate vote on the motion. If the Senate wants to vote it down that is all right with me.

Mr. DENT. Mr. President, do I understand the gentleman from Philadelphia is insisting upon his motion

Mr. SHAPIRO. That is right, Mr. President.

Mr. DENT. Then, Mr. President, I can tell him now I intend to vote "no."

POINT OF INFORMATION

Mr. HALUSKA. Mr. President, I rise on a point of information.

The PRESIDENT. The gentleman from Cambria will state his point of information.

Mr. HALUSKA. Mr. President, am I correct in my understanding that we now have before the Senate a motion that this Senate resolve itself into a Committee of the Whole.

The PRESIDENT. For the purpose of interrogating the Senator from Fayette.

Mr. HALUSKA. My point of information, Mr. President, is, in the event this Senate does resolve itself into a Committee of the Whole, will that motion then supersede the standing committee?

The PRESIDENT. The Chair did not hear the gentleman.

Mr. HALUSKA. My point of information, Mr. President, is in the event the Senate resolves itself into a Committee of the Whole will that supersede the standing committee?

The PRESIDENT. The Chair is still unable to hear the gentleman from Cambria.

Mr. HALUSKA. I said, Mr. President, in the event the Senate should now resolve itself into a Committee of the Whole, would that then supersede the standing committee or dispense with the standing committee.

The PRESIDENT. The Chair does not so understand.

Mr. HALUSKA. It will not, Mr. President.

The PRESIDENT. No. In the event the Senate resolves itself into a Committee of the Whole the same rules will govern as though the Senate were in regular session.

Mr. HALUSKA. Mr. President—is it possible to have the Senator from Fayette talk if he does not wish to talk.

The PRESIDENT. The Chair is of the opinion that, by the Senate going into a Committee of the Whole, there is no procedure to compel a Senator to talk or answer questions. A Senator would have the same privileges as in an ordinary session of the Senate.

For the information of the gentleman from Cambria and other Senators the Chair now reads rule 25 of the Senate:

"The rules and proceedings of the Senate shall be observed, in the Committee of the Whole, excepting that a member may speak oftener than twice on the same subject. In Committee of the Whole, the previous question cannot be called, the yeas and nays required, nor can there be an appeal from the decision of the Chairman."

The Chair might state by going into a Committee of the Whole it merely liberalizes debate; that is about all it does.

The Chair recognizes the gentleman from Philadelphia, Mr. DiSilvestro.

Mr. DiSILVESTRO. I yield, Mr. President to the gentleman from Somerset.

Mr. EALY. Mr. President, this afternoon the Senator from Fayette, Mr. Cavalcante, stated that he would on the floor of this Senate divulge the information which he has. Shortly after that the gentleman from Philadelphia, Senator Shapiro, moved to have the Senate resolve itself into a Committee of the Whole. I voted at that time in favor of that motion because I did not want it to appear to anyone that I was interfering in any way with a proper investigation of the facts which the Senator from Fayette might have.

It would appear now that the Senator from Philadelphia would turn this Committee of the Whole into an investigating committee, and from the statement of a member of that committee, I believe the committee members feel that is their duty. This afternoon it did not seem to me anything particular would be gained by the Senate resolving itself into a Committee of the Whole excepting, as the Chair has stated, that debate would be liberalized somewhat. However, the rules of the Senate which we have followed or rather, which we have waived, have permitted members of this Senate on this floor to interrogate other members quite liberally and now, according to the turn this matter has taken, I do not see why the same end may not be gained by interrogation of the Senator from Fayette in this, a regular session of the Senate, rather than by going into a Committee of the Whole.

Mr. President, the procedure of the Senate resolving itself into a Committee of the Whole has become pretty much obsolete. The Senate has no rules governing that. At this time I feel I should vote against the motion of the gentleman from Philadelphia and I suggest to the Senator from Philadelphia that he proceed with his interrogation just the same as he would were the Senate resolved into a Committee of the Whole.

Mr. REED. Mr. President—

Mr. SHAPIRO. Mr. President, I should like to make a motion to end the debate.

Mr. REED. Mr. President, the gentleman from Philadelphia has spoken six times and I have been trying to get the floor for some time to speak the second time.

The PRESIDENT. The gentleman from Philadelphia had the floor. The Chair wishes to be as liberal as possible in order to permit Senators to engage in debate. There has not been much difference between the procedure we have had in the Senate than if the Senate should resolve itself into a Committee of the Whole.

The Chair recognizes the gentleman from Washington.

Mr. REED. Mr. President, I agree with the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Do you wish to interrogate the gentleman from Allegheny.

Mr. REED. I said, Mr. President, that I agree with him. This is an unusual proceeding and it is not followed by any decisions I can find arising out of the Senate of Pennsylvania, and where there are no rules and regulations or decisions, then we must, under our rules, refer to Jefferson's Manual. Under Jefferson's Manual this procedure is obsolete. For the information of the Senate, I read from page 126 of Jefferson's Manual the following:

"The Committee of the Whole of the House of Representatives was charged with an investigation in 1792, but the procedure was wholly exceptional (III, 1804), although a statute still empowers the Chairman of the Committee of the Whole, as well as the Speaker, chairman of select or standing committees, and members to administer oaths to witnesses (III, 1769). Most inquiries, in the modern practice, are conducted by a select standing committee, and these in each case determine how they will conduct examinations (III, 1773, 1775)."

And then further it states, Mr. President:

"The House, in its earlier years, arraigned and tried at its bar persons, not Members, charged with violation of its privileges, as in the case of Randall, Whitney (II, 1599-1603), Anderson (II, 1606), and Houston (II, 1616); but in the case of Woods, charged with a breach of privilege in 1870 (II, 1626-1628), the respondent was arraigned before the House, but was heard in his defense by counsel and witnesses before a standing committee."

So. Mr. President, it seems to me that this procedure is altogether unnecessary and I am going to vote against the motion.

Mr. SHAPIRO. Mr. President, I originally made my motion because I had the right to believe if, after seven o'clock the gentleman from Fayette did not appear, the motion would be accepted. I notice a great deal of excitement and that is not what I intended to accomplish and therefore I shall try another method.

MOTION LAID ON THE TABLE

Mr. SHAPIRO. Mr. President, I now move my previous motion be laid on the table.

Mr. DENT. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

(During the calling of the roll, the following occurred:)

Mr. CAVALCANTE. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. The vote of the gentleman from Fayette will be so recorded.

Mr. DiSILVESTRO. Mr. President, I desire to be recorded as voting "present."

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

The yeas and nays were required by Mr. SHAPIRO and Mr. COLEMAN, and were as follows, viz:

YEAS—45

Barr,	Edmonds,	Mallery,	Stiefel,
Bartlett,	Farrell,	McCreesh,	Tallman,
Becker,	Frey,	McQuiddy,	Taylor,
Carr,	Geltz,	Miller,	Thomas,
Chapman,	Haluska,	Mundy,	Tyler,
Coleman,	Heyburn,	Reed,	Wade,
Cox,	Homsher,	Ruth,	Watkins,
Crider,	James,	Scarlett,	Wilson, H. I.,
Crowe,	Jaspan,	Shapiro,	Wilson, T. B.,
Deitrick,	Kephart,	Snowden,	Woodward,
Dent,	Lanias,	Stevenson,	Ziesenheim,
Ealy,			

NAYS—0

PRESENT—2

DiSilvestro, Cavalcante,

So the question was determined in the affirmative.

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman from Fayette, Mr. Cavalcante.

The PRESIDENT. Will the gentleman from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I answered that question for the gentleman from Philadelphia this afternoon. I placed on the records, on the Journal of the Senate, certain specific facts; I pointed out where money had been collected for the purpose of promoting the box car trucking bill. I stated to my colleagues and the President of the Senate that I had not the power of visitation nor the power of subpoena to go into the offices of the Pennsylvania Motor Truck Association and seize their books to see how much money was collected for the purpose of promoting this legislation. I do not have the power of visitation or subpoena to inquire into their records, to see to whom they paid that money or for what purpose they might have spent it.

The gentleman from Philadelphia, if he is sincere, he may proceed on those facts. He may adopt the proper procedure to seize that evidence before it is destroyed, before it is too late. I did ask the courtesy of the gentleman from Philadelphia this afternoon to permit me time to put my remarks in writing, as I did this afternoon, and I shall gladly do that.

The gentleman from Philadelphia will not be disappointed. I will name names, I will name circumstances, I will name places.

Mr. SHAPIRO. Mr. President, the gentleman from Fayette does not know what questions I expect to ask him. I listened to his statement this afternoon, which made me feel I would like him to answer two questions which I would like to put to him, and I would like to know whether the gentleman will permit himself to be interrogated on that subject.

Mr. CAVALCANTE. Mr. President, I stated this afternoon that I would not submit to interrogation by the gentleman from Luzerne, Dr. Mundy, and I am not going to grant that courtesy to the gentleman from Philadelphia, after I denied it to the very courteous gentleman, the scholarly gentleman from Luzerne, whose remarks I appreciate very much.

Mr. SHAPIRO. Mr. President, under those circumstances I desire the gentleman from Fayette to make answer to the following questions: Did the gentleman from Fayette—

The PRESIDENT. The gentleman from Philadelphia is interrogating the Senator from Fayette?

Mr. SHAPIRO. That is right, Mr. President.

Mr. President, did the gentleman from Fayette, at the time he made charges last week "—it is no secret that vast sums of money have been spent by the trucking industry to litter the desks of each assembly member with false and misleading statistics and reports. It is publicly admitted that persons having private indirect interests in the passage of this bill are members of this General Assembly,"—did the gentleman when he made that statement have information concerning the names of the persons who are members of the General Assembly who had personal interest in the trucking bill?

That is the first question. The second question I desire to ask the gentleman from Fayette is this: did the gentleman from Fayette, when he made the statement last week that the Democratic leadership of Philadelphia and Allegheny "make no secret of their lust for the cash that the corrupt Republican leadership of Pew and Grundy have placed on the barrel-head," have any information concerning the time or the place or the amount of money that was placed on the barrel-head by the gentleman named as Pew and the gentleman named as Grundy, to whom the money was given, and for what purpose?

Those two questions I ask the gentleman from Fayette for the very reason—as he himself indicated—unless he gives us this information promptly we as a legislative body may be deprived of the opportunity to seize the information which he says is available, but the place and character of which he will not now tell us.

I agree with him—I agree with him absolutely for once—if he has that information and if there is any truth in his charge, it may be that information will slip from our grasp.

I therefore join with the other gentlemen in asking him, as quietly, as peacefully and as kindly as I can, that he be good enough to furnish the information now to the members of the Senate so that this Committee, which is still in existence, can immediately take such action to subpoena such records and persons as he may bring to their attention.

The gentleman has the right to answer or to refuse to answer.

The PRESIDENT. Does the gentleman from Fayette care to answer the interrogation?

Mr. CAVALCANTE. My answer is now on the record.

BILLS INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 1169, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

Which was committed to the Committee on Welfare, Public Assistance and Pensions.

Mr. MALLERY. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MALLERY read in place and presented to the Chair Senate Bill No. 1170, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," establishing an additional route in the County of Blair.

Which was committed to the Committee on Highways.

Mr. COX. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COX read in place and presented to the Chair Senate Bill No. 1171, entitled:

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled, 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates; authorizing such offices to issue certified copies of death certificates and make searches of their files; imposing additional duties upon local registrars in such counties; and prescribing fees.

Which was committed to the Committee on Public Health.

Mr. CHAPMAN. Mr. President, I am about to rise in my place and introduce a bill and in so doing I would like to make a few remarks.

THE PRESIDENT. The gentleman from Warren may proceed.

Mr. CHAPMAN. Mr. President, it was my good fortune to have been a member of this body during the tenure of office of Senator Sipe who about every day spoke concerning the Butler Sanatorium, wondering why it was not equipped for the treatment of tuberculosis.

I might say in that connection, Mr. President, from May 15, 1941, every person on the waiting list has been taken care of in the various Sanatoria in the Commonwealth. This information was given me no later than this afternoon by the Department of Health.

Mr. President, for a number of years I have been interested in cancer research. Someone has said he who discovers the means of curing cancer deserves the thanks of all humanity, for as yet such means remains hidden.

In New York State they have a cancer hospital, at Buffalo, to which all patients from my vicinity are sent for treatment of cancer. This treatment costs residents of Pennsylvania one hundred dollars for each visit to that hospital. The Onconological Hospital in Philadelphia is the only Hospital, private institution, I know of that treats cancer in Pennsylvania.

I know that cancer can be cured, on the surface, for I have such means in my possession and during the past fifteen years I have been curing cancer on the surface. If a country doctor has been able to discover such means of curing cancer, I am certain, if used in the Butler Sanatorium, that ordinary cases of cancer can be cured in that or similar Institutions.

Mr. President, I hope that I will not make my exit from this world to the next from any of three causes of death and at the front and foremost, please, I hope that I will never be a sufferer from cancer.

Mr. President, I now propose to introduce in this Senate a bill making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research, and I merely suggest that the Butler Sanatorium, or other institution be equipped with such means of investigation for the cure of cancer.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN read in place and presented to the Chair Senate Bill No. 1172, entitled:

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research.

Which was committed to the Committee on Appropriations.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1126, entitled:

An Act to further amend part of section three hundred and two, to amend section three hundred and seven and part of section fifteen hundred and one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "Fiscal Code," establishing the Surplus Commodities Stamp Fund; and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

TIME OF NEXT MEETING

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, June 9, 1941.

Resolved, (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 16, 1941, at 3:30 o'clock, p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 16, at 8:00 o'clock, p. m. (Eastern Standard Time)

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Tuesday, June 10, 1941 at 11:00 o'clock, a. m. Eastern Standard Time.

Mr. BARTLETT. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 11:59 o'clock, p. m., Eastern Standard Time until Tuesday, June 10, 1941 at 11:00 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

MONDAY, June 9, 1941.

The House met at 8 p. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

Almighty God, the Creator of all things, we again pause at the beginning of this another session of this House of Representatives to invoke Thy blessing upon all who are gathered within its walls. Since last we met together we have had time to Worship Thee in beauty and in truth. May our experience from that worship make us more determined to do Thy will. May we be so rested in body and in mind as to desire to do the work that lies before us in this week as we meet together. Challenge each of us to a larger and fuller service to both God and man as opportunity presents itself.

Bless, we pray Thee every member of this House. In Christ's name we ask Thy favor. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, June 5, 1941.

The Clerk proceeded to read the Journal of Thursday, June 5, 1941, when, on motion of Mr. RILEY unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BONEY. HOUSE BILL No. 1824.

An Act to reenact and amend the title and the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceeds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, co-partnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation," as previously reenacted and amended, by excluding proceeds of life insurance policies from the provisions thereof and by continuing the State personal property tax at a reduced rate for a further limited period of time and the emergency rate of tax on scrip bonds, certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time.

Referred to the Committee on Ways and Means.

By Mr. HAÏNES. HOUSE BILL No. 1825.

An Act establishing a certain section of public road as a State highway; and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

By Mr. WALTER E. ROSE. HOUSE BILL No. 1826.

An Act to amend part of section two of the act, ap-

proved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the eliminating of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

Referred to the Committee on Highways.

By Mr. ROYER. HOUSE BILL No. 1827.

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 787. (HOUSE BILL No. 1828).

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities; engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carrier by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or

abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by further defining the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle"; further regulating the right to render service as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable.

Referred to the Committee on Public Utilities.

SENATE BILL No. 171. (HOUSE BILL No. 1829).

An Act to further amend subsection (a) of section five hundred and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all the public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" further regulating refunds.

Referred to the Committee on Ways and Means.

SENATE BILL No. 1041. (HOUSE BILL No. 1830).

An Act to amend the title and section one of the act, approved the twenty-first day of May, one thousand nine hundred and twenty-three (P. L. 295), entitled "An act authorizing and empowering counties of the second class in this Commonwealth to acquire by lease, purchase, or except counties of the eighth class.

condemnation proceedings any land within the county for the purpose of establishing and maintaining airdromes or aviation landing fields; providing for the procedure in case of condemnation, and the extent of title acquired; authorizing the lease by the county of portions of said land to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; authorizing and empowering the county to use land now owned by it for such purposes; and authorizing joint operation by said county and any city within the county of airdromes or aviation landing fields, where such city is authorized to establish and maintain the same," by extending the provisions of such act to all counties of this Commonwealth, except counties of the eighth class.

Referred to the Committee on Counties.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1510

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1510, Printer's No. 548, entitled, "An act to further amend section two of the act approved the third day of June one thousand nine hundred and nineteen (P. L. 369), entitled 'An act providing for the appointment by the district attorney in counties having a population of over one million five hundred thousand inhabitants of a chief county detective an assistant chief county detective and special county detectives defining their duties defining their authority fixing their salaries and authorizing the payment of the same together with the necessary traveling expenses by the county' by increasing the compensation of the chief county detective."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 885

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 9, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 885, Printer's No. 276, entitled, "An act to further amend section five hundred and thirty of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206), entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' providing for filling vacancies in the office of township commissioner."

ARTHUR H. JAMES.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 270.

An Act to amend section seven hundred and two of the act, approved the first day of May, one thousand nine

hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," by authorizing such townships to regulate the use of certain park and recreational grounds; providing penalties for violation of rules prescribed therefor; and authorizing police officers to arrest violators thereof on view

SENATE BILL No. 448.

An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties" by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1126.

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act approved twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Common-

wealth" establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. George E. Jones for Mr. FISHER for the week.

Mr. ELLWOOD B. WELSH for himself for tomorrow's session.

The SPEAKER for himself for a few hours tomorrow.

Mr. SHEPARD for himself for tomorrow's session.

Mr. ALLMOND for himself for the remainder of the week after tomorrow's session.

SPEAKER PRO TEMPORE APOINTED

The SPEAKER. The Chair appoints the gentleman from Delaware, Mr. Turner, as Speaker pro tempore during the Speaker's absence tomorrow.

COMMITTEE APPOINTED TO INVESTIGATE CHARGES MADE IN SENATE

The SPEAKER. In accordance with resolutions adopted by the Senate and the House of Representatives Thursday, June 5, 1941, providing for a Committee to Investigate Charges of Criminal Conspiracy on the floor of the Senate by the Senator from Fayette, Mr. Cavalcante, the Speaker appointed on Thursday, June 5, 1941 the following: Messrs. WOODRING, NAGEL, OWENS, BRETHERICK and HABBYSHAW.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 510

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 510, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection in connection with or incidental thereto on Sunday; prohibiting motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws," by changing the method and time where-by future referendums be initiated and held.

And has appointed Messrs. LETZLER, CARR and DISILVESTRO a committee of conference to confer with a similar committee of the House of Representatives already appointed on the subject of the differences existing between the two houses in relation to said bill.

CONGRATULATORY RESOLUTION

Mr. LOVETT offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 9, 1941.

Harrisburg, June 8, (AP)—Tony (Evening Bulletin) and Mrs. (Kane, Pennsylvania) Smith today became the parents of a baby girl named Gretchen, weight 8 pounds, height average, intelligence above normal. Mother, father and child are all doing well. Father claims the output of his work will in no way be affected. On being interviewed Tony Smith stated he always wanted to have a girl. "After all," he said, "anybody can have a boy."

Upon consideration of the foregoing news release the House of Representatives hereby felicitates Tony and Mrs. Smith upon the birth of their daughter, and further directs the Chief Clerk of the House of Representatives to mail a copy of this resolution to all the members of the Smith family.

SPECIAL ORDER

The SPEAKER. The hour of 8:15 p.m. having arrived the House will proceed with the special order of business fixed for this hour, an address by the Honorable Matthew J. Welsh, of Fayette County, on Flag Day.

ADDRESS BY THE HONORABLE MATTHEW J. WELSH

This is flag day week calling to the colors every true American in every walk of life to sacrifice ourselves in preparedness for defense, so that the fundamental principles upon which this Government was founded shall be preserved and that this nation shall endure.

Again we pay tribute to those, who, so willingly sacrificed themselves and shortened their lives that we might live. These exercises are held not only to commemorate our illustrious dad, but as an inspiration to the youth of our land to be emulated in days to come so that when our time shall come to have passed away, others will say as we say now, here lies a true and noble defender of his Country and his flag, here lies a good citizen.

Remember that this great Nation of ours was brought into existence through the blood and tears of countless thousands. Let us hope that neither have been shed in vain. After eight long weary years of suffering, after eight long weary years of bloodshed that brave band of Revolutionary heroes battled from Lexington to Yorktown, that we might be free. They crossed the Delaware River on that stormy night and afterwards left their bloody foot prints in the snows of Valley Forge. When hope was almost gone, there came to the aid of the Colonists the patriotic Poles, Pulaski and Kosciuszko and 'tis truly said of them that freedom shrieked when they died. And there came another, the gallant young Lafayette of France came from what used to be our sister Republic across the seas. His memory shall ever be revered. If this Nation ever owed a debt of gratitude to France, it was more than paid and repaid from that memorable moment when our Doughboys and Pershing stood before his Tomb and Pershing said "Lafayette we are here." The revolution finally came to an end and Independence was assured.

Those half starved, ragged Continentals were finally victorious under the leadership of him whom we call our first beloved, George Washington, he whose deathless

valor and the splendor of his immortal genius is one of the brightest gems in Columbia's crown of glory. True, this Nation was not built in a day. Great differences existed between the north and south. The slavery question remained unsettled. But those differences were thrashed out on the fiery field of battle when brave men fought brave men squarely, and it was in the Civil War that was melted the crucible which, to a great extent welded this Nation into a whole. It was the Civil War that gave us Stonewall Jackson, the daring John Sherman, the gallant Phil Sheridan, the immortal Abe Lincoln and the great soldiers—Grant and Lee. And when they met at Appomattox Courthouse, no grander words ever fell from victorious warriors lips than those which were uttered by Grant when he backoned back the sword to Lee and said, "Let us have peace." There was still considerable bitterness between the north and south, but to a great extent that animosity was almost, if not entirely obliterated during the war with Spain when the sons of the blue and the sons of the gray mingled their blood together in the far off islands of the sea, forever cementing the ties that bind our beloved north to our sunny south, our eastern shores to our golden west.

All who went to war did not return. Sooner or later we shall all have passed away, so to those of you who lost loved ones in the war there is great consolation in knowing there is no grander, no nobler death than to have laid down ones life for ones Country.

While we hope this Country shall never again be involved in war, if there be those amongst you who answer to the bugles call forget not your mother. It takes a brave man to face the cannon's mouth, but the hissing bullets and screaming shells are but music to the soldier's ears compared to the sufferings of the gray haired mother left behind. She it is who silently weeps tears of intermingled joy and sorrow, tears of sorrow that she may never see her soldier boy again, tears of joy that she bore a son who was ready to fight for her and home and country and, if necessary spill his life's blood on the altar of freedom. Pen her a line and when you return she will be proud of you and if you never return she will cherish your letters as amongst her most priceless possessions.

Going forth in all these great conflicts were found not only Americans of native birth, but Americans who first saw the light of day in other lands, for remember, we are a nation of many nations and fighting side by side were found Americans of German extraction, going with the boys who hailed from the shady vales of France with those who came from sunny Italy, from the rugged hills of Poland, from along the banks of the blue Danube and the land of Killarney's lovely lakes, vying with one another as to who should go farthest in defense of old glory.

When our boys followed that flag they followed the grandest flag in all the world, the flag that has never known defeat and please God it never shall be defeated. To praise the stars and stripes were much like adding splendor to the sunrise or fragrance to the breath of morn. She needs no encomiums, star crowned she stands the glory of America and the administration of liberty loving mankind throughout the world. It is our duty to keep its stripes unsullied while its stars shine on with ever increasing lustre. When we contemplate our history, realize the grandeur of our country and know the bless-

ings of a people's government, it behooves us to banish petty animosities from this fair land of ours, be considerate of the rights of one another and live a more united nation. To preserve the priceless heritage handed us remember that "eternal vigilance is the price of liberty."

Mr. FINNERTY IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1048, entitled:

An Act relating to and regulating the practice of the healing profession of chiropractic, and the licensure and registration of practitioners therein; creating a Chiropractic Board of Examination and Licensure in the Department of Public Instruction; defining its powers and duties, and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 674, entitled:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by making certain change in the name qualifications powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be assistant Executive officer of the Board and other officers and employes thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1780, (Senate Bill No. 185), entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127), entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 1818, (Senate Bill No. 486), entitled:

An Act relating to sheriffs' sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in writ of execution, the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P. L. 186), entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1786, (Senate Bill No. 209), entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of the law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1654, (Senate Bill No. 624), entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Philadelphia, Mr. Finnerty, for presiding.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 690, entitled:

An Act to further amend sections 402, 411, 703, 704, 705, 707 and 903 and to repeal section 706 of the act approved the first day of May, one thousand nine hundred twenty-nine, (P. L. 905), entitled, "An act for the protection of the public safety, regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," providing for the registration and fixing registration fees of commercial motor vehicles, truck tractors, trailers and semi-trailers according to gross weight; and certain motor buses and omnibuses with pneumatic tires according to equipment, fixing the maximum gross weight of such vehicles which may be used and operated on the highways; and eliminating existing provisions relating to the chassis of such vehicles.

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1461, entitled:

An Act to further amend subsection (a) of section one thousand two hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further regulating the retirement of professional employees.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 495, entitled:

An Act to amend article nineteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local or any parts thereof that are or may be inconsistent therewith," by providing for the establishment of free city colleges in school districts of the first class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1638, entitled:

An Act to repeal subdivision (d) of article six containing sections 651 652 653 654 and 655 of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" eliminating provisions relating to Workmen's Compensation Insurance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1640, entitled:

An Act to amend the act approved the second day of June one thousand nine hundred and fifteen (P. L. 762), entitled "An act providing for the creation and administration of a State Fund for the insurance of compensation for injuries to employees of subscribers thereto declaring false oaths by the subscribers to be misdemeanors and providing penalties for the violation thereof" providing for insurance in said fund of all employers liable to pay workmen's compensation eliminating provisions relating to insurance corporations or associations and workmen's compensation insurance covering officers and employees of the board.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1639, entitled:

An Act to further amend the title and the act approved the second day of June one thousand nine hundred and fifteen (P. L. 736), entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" by making the schedules of compensation compulsory upon all employers providing that the State Workmen's Insurance Funds shall be the sole agency in which the payment of compensation may be insured providing for the termination of existing workmen's compensation insurance contracts issued by other agencies eliminating provisions relating to self-insurance and repealing certain sections and subsections.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1430, entitled:

An Act to further amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of this act" by changing certain routes and adding certain new routes.

The first section was read and agreed to.

The second section was read:

On the question,

Will the House agree to the section?

Messrs. HARKINS and BOIES. Mr. Speaker, we desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 9, by inserting between lines 14 and 15, the following:

Route 02236. Beginning at a point on Route 02070, thence northwesterly through Jefferson Township along Dales Lane to Route 02203, in Allegheny County, a distance of about 0.41 of a mile.

Route 02237. Beginning at a point on the Lewis Run Road; thence northerly through Jefferson Township to a point on Route 376, in Allegheny County, a distance of about 1.14 miles.

Route 02238. Beginning at a point on Route 330; thence northeasterly on Elliot Road through Jefferson Township to a point on the Lewis Run Road, in Allegheny County, a distance of about 0.46 of a mile.

Route 02239. Beginning at a road intersection at the Snowden-Jefferson Township line; thence in a general northeasterly direction along the Torrance Bruceton Road through Jefferson Township to a point on Route 330, in Allegheny County, a distance of about 1.52 miles.

Route 02240. Beginning at a point on the county road near the Snowden-Jefferson Township line; thence easterly through Jefferson Township on the Stilley Road to a point on a county road, in Allegheny County, a distance of about 0.5 of a mile.

Route 02241. Beginning at a point on Route 330; thence southwesterly and northwesterly along Beams Run Road through Jefferson Township to a point on a county road,

in Allegheny County, a distance of about 0.81 of a mile.

Route 02242. Beginning at the intersection of Routes 02082 and 02185; thence southwesterly on Elizabeth Street through Mifflin Township to a point on the Bull Run Road, in Allegheny County, a distance of about 1.0 mile.

Route 02243. Beginning at a point on Route 02185, near the Duquesne Light Company property; thence northerly and northeasterly through Mifflin Township, on Home Street, to the intersection of 9th Avenue, in Allegheny County, a distance of about 0.8 of a mile.

Route 02244. Beginning at a point on Route 02082, near its intersection with Route 02185; thence easterly along Shady Lane in Mifflin Township to a point on Route 837 at the Mifflin Township-Duquesne City line, in Allegheny County, a distance of about 0.86 of a mile.

Route 02245. Beginning at a point on Route 02101, near the Mifflin Township School Board property; thence northwesterly and southeasterly through Mifflin Township, along Cherr Lane, to the intersection of Curry Hollow Road, in Allegheny County, a distance of about 0.32 of a mile.

Route 02246. Beginning at a point on Route 02185, near its intersection with Route 02082; thence southeasterly on Cochran Road through Mifflin Township to a point on the Bull Run Road near the Carnegie Land Company property, in Allegheny County, a distance of about 1.06 miles.

Route 02247. Beginning at a point on Route 02078; thence northwesterly on Paule Lane through Mifflin Township to a point on Route 02084, in Allegheny County, a distance of about 0.5 of a mile.

The amendments were agreed to.

On the question recurring,

Will the House agree to the section as amended?

Mr. GILLETTE. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 2, page 15, by inserting between lines 26 and 27, the following:

Route 08186. Beginning at a point on Route 08080, near Black; thence in a northwesterly direction through Shesh-equin Township for about 1.5 miles to a road intersection; thence in a general northerly direction to a point on Route 08079, about 0.5 of a mile west of Ghent, in Bradford County, a total distance of about 3.8 miles.

The amendment was agreed to.

On the question recurring,

Will the House agree to the section as amended?

Mr. LOVETT. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend section 2, page 65, by inserting between lines 25 and 26, the following:

Route 64256. Beginning at a point on Route 187, near Murraysville; thence in a general northeasterly direction through Franklin Township to a point on Route 64247, about 1.25 miles northwest of its intersection with Route 64035, in Westmoreland County, a distance of about 3.0 miles.

The amendment was agreed to.

On the question recurring

Will the House agree to the section as amended?

Mr. MOUL. Mr. Speaker I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 2, page 66, by inserting between lines 26 and 27 the following:

Paradise Township

Route 66209. Beginning at a point on Route 66005, near Swam; thence northeasterly through Paradise Township to the intersection of Routes 66008 and 66046 near Harbolts School, in York County, a distance of about 1.8 miles.

Warrington Township

Route 66210. Beginning at a point on Route 124 near the Carroll-Warrington Township line; thence easterly through Warrington Township to Route 66202, about 1.5 miles south of Elcocks school, in York County, a distance of about 3.15 miles.

Route 66211. Beginning at the Wellsville Borough-Warrington Township line; thence easterly and northeasterly through Warrington Township to a point on Route 124 about 0.1 of a mile northwest of Route 66037, in York County, a distance of about 2.15 miles.

North Codorus Township

Route 66212. Beginning at a point on Route 66132, about 0.6 of a mile east of Route 66007; thence northeasterly through North Codorus Township to a point on Route 492, about 0.5 of a mile south of Boyers School, in York County, a distance of about 2.5 miles.

Route 66213. Beginning at a point on Route 230, near Ambau; thence northeasterly through North Codorus Township to a point on State-aid Application 2003 near Berkheimers School, in York County, a distance of about 1.5 miles.

Manchester and East Manchester Townships

Route 66214. Beginning at a point on Route 66021, about 0.2 of a mile northwest of Route 66086; thence northeasterly and southeasterly through Manchester and East Manchester Townships to a point on Route 66020 near the Springettsbury Township line, in York County, a distance of about 1.4 miles.

Penn Township

Route 66215. Beginning at a point on Route 66080, about 0.5 of a mile north of its intersection with Routes 66081 and 66158; thence easterly through Penn Township to the intersection of Routes 190 and 66079, in York County, a distance of about 1.95 miles.

Dover Township

Route 66216. Beginning at a point on Route 66002, about 0.4 of a mile southwest of the village of Newport; thence southeasterly through Dover Township to a point on Route 66046 about 0.4 of a mile southwest of Julius School, in York County, a distance of about 1.8 miles.

Carroll and Monaghan Townships

Route 66217. Beginning at a point on Route 123, at the village of Rosegarden; thence northwesterly and southwesterly in Carroll Township for a distance of .65 of a mile; thence northwesterly through Carroll and Monaghan Townships for a distance of 0.6 of a mile to a point on Township Route 912 about 0.05 of a mile from the Cumberland County Line, a distance of about 1.25 miles.

The amendments were agreed to.

The section was agreed to as amended.

The third section and title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1490, entitled:

An Act authorizing the tax assessment records of lands buildings and minerals be admissible as evidence in any action of law or equity where damages are claimed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill

be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1729, entitled:

An Act to add section fourteen and one-tenth to the act, approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106), entitled, as amended "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts, adoption of plans for flood control works and improvements, carrying into effect of such plans, assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements, and entering into compacts and agreements with other states for flood control works and improvements; conferring the power of eminent domain; providing for the setting off of benefits; imposing certain charges upon the Commonwealth; providing for appeals; and conferring certain powers on municipalities, counties, and townships, and the Department of Highways," authorizing the Secretary of Highways and the various political subdivisions, with the approval of the Water and Power Resources Board, to grant easements and flowage rights to the Federal Government, over certain highways, roads, streets and bridges.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1420, entitled:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests of residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1177, entitled:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regu-

lating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1731, (Senate Bill No. 599), entitled:

An Act to amend section three of the act, approved the twenty-third day of March, one thousand eight hundred and sixty-five (P. L. 607), entitled "An act for the better management of the Allegheny county prison," by requiring all contracts involving an expenditure of one hundred dollars to be in writing and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising and requiring all purchases to be made through the purchasing department of the county.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1506, (Senate Bill No. 379), entitled:

An Act to further amend section one of the act, approved the seventeenth day of June, one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by excluding proceeds of life insurance policies from the provisions thereof.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman whether this motion is made because of an agreement that was made in Committee prior to its being reported out?

Mr. ACHTERMAN. This bill was reported out of Committee specifically for two readings only, with the understanding that it would be recommitted.

Mr. WOODSIDE. I thank the gentleman from Monroe, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1755, (Senate Bill No. 655), entitled:

An Act to amend the first paragraph of section one of the act, approved the seventh day of June, one thousand nine hundred seventeen (P. L. 570), entitled "An act fixing the salaries and providing for the expenses of county commissioners in the counties of this Commonwealth," by increasing the salary of county commissioners in eighth class counties.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1766, entitled:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" defining the rights and obligations of members of the School Employes' Retirement Association engaged in active military service.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1795, entitled:

An Act to further amend clause (c) of section two thousand four hundred six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive

Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by further providing for the distribution of the State Manual.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1798, entitled:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A.

The first section was read.

On the question,

Will the House agree to the section?

Mr. CORDIER. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 7, by inserting after the word "advertise" the following: "in two newspapers of general circulation in such city a notice of."

Amend Sec. 1, page 1, line 9, by striking out the word "final."

Amend Sec. 1, page 1, line 9, by inserting after the word "advertisement" the following: "Copies of such proposed budget shall be available for public inspection in the office of the city clerk of such city."

Amend Sec. 1, page 1, line 12, by striking out the following: "which" and inserting in lieu thereof: "which."

The amendments were agreed to.

The section was agreed to as amended.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1793, (Senate Bill No. 996), entitled:

An Act to further amend section four of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled, as amended, "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, equip, furnish and operate projects and to lease the same and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payments of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey, or lease to the Authority lands of the Commonwealth and interests

therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act;" empowering the General State Authority through the exercise of its powers under existing law to construct, equip, furnish, maintain and operate an official residence in the City of Harrisburg for the use of the Governor of the Commonwealth.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1794, (Senate Bill No. 998), entitled:

An Act to authorize the Secretary of Property and Supplies with the approval of the Governor to sell, convey or exchange the Executive Mansion located at Front and Barbara Streets in the City of Harrisburg, County of Dauphin.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1751, (Senate Bill No. 213), entitled:

An Act authorizing the Department of Property and Supplies acting for the Commonwealth of Pennsylvania, to acquire by gift from the owner thereof, Pottsgrove Mansion with tract of land situate in the Ninth ward of the Borough of Pottstown, Montgomery County, Pennsylvania; providing for the control, management, supervision, improvement and maintenance thereof by the Pennsylvania Historical Commission; authorizing the Pennsylvania Historical Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof; and creating an advisory board to assist in such functions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1752, (Senate Bill No. 1016), entitled:

An Act providing that the Commonwealth of Pennsylvania enter into the interstate compact to conserve oil and gas with other States of the United States of America, which are signatories thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, I am not personally acquainted with all the details of this particular piece of legislation, but according to the information I have received this is very vital not only from the standpoint of

the oil industry of the state of Pennsylvania, but it is in line with the movement which is being carried on by the federal government in all the other states in cooperation in trying to work out the present rather serious oil situation. It is also a matter which is extremely important in connection with the present emergency and defense activities. It seems to me if there is anything wrong with this bill, we have been in a habit of permitting unanimous consent to amend on third reading, and it ought to be read for the second time tonight and moved for third reading, where, if it is important that an amendment be made, it can be made at that time. It seems to me it would be unwise to send this particular piece of legislation back to the committee at this time.

Mr. ACHTERMAN. Mr. Speaker, we are not endeavoring to deny that this legislation is very important. However, there is no objection to having it pass second reading and then recommitting it to the Committee where the objections which have been indicated to us may be studied. The legislation has actually passed the Senate and is in no danger of being lost, but it is being placed in committee where it can receive the study that reasonable objection would warrant it to receive. Placing it on the third reading calendar would in no way facilitate the study but perhaps in a moment of neglect the legislation might be passed, when as a matter of fact it may need amendment. It may be reported out again by the committee without amendment after the study is over. I assure the gentleman that it is not being recommitted solely for the purpose of killing the bill.

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Monroe, Mr. Achterman.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is not this a compact between the states.

Mr. ACHTERMAN. Mr. Speaker, this is not a compact. It is legislation in relation to a compact; growing out of a compact.

Mr. TURNER. Mr. Speaker, my understanding is that this is a compact between the states, therefore if you are going to make a compact between the states you cannot amend it in one state.

Mr. ACHTERMAN. Mr. Speaker, in which event the state would certainly have the right to decide whether it will or will not enter the compact, depending upon its best interests.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1387, (Senate Bill No. 310), entitled:

An Act to amend article six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by making it unlawful to take for the purpose of sale, sell or expose for sale any bittersweet growing in the wild; and providing a penalty.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REUBEN E. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1695, (Senate Bill No. 303), entitled:

An Act authorizing the Department of Highways to cooperate with agencies of the Federal Government in designing and installing modern illuminating systems on State highways.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1641, entitled:

An Act providing that city taxes in all cities of the third class accepting the provisions of this act shall be assessed levied and collected upon the basis of the county assessments imposing duties upon county assessing and county taxing authorities abolishing the office of city assessor in such cities of the third class and transferring certain property to county taxing authorities

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1286, entitled:

An Act relative to the employment of females in hotels taverns saloons and eating houses for the mixing or sale of alcoholic drinks and the penalty for violation thereof

The first section was read:

On the question,

Will the House agree to the section?

Mr. POLEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 7, by striking out the words "as hostess"

Amend Sec. 1, page 2, line 6, by striking out the words "or daughter"

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

Mr. POLEN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend bill, page 2, by inserting at the end thereof the following new sections:

Section 3. The act, approved the ninth day of June, one thousand nine hundred and thirty-nine (P. L. 307), entitled "An act prohibiting in any city of the first, second, and

second A class, the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt, or vinous beverages are sold; and providing penalties," is hereby repealed.

All other acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Section 4. This act shall become effective immediately upon final enactment.

The amendments were agreed to.

The sections were agreed to.

The title was read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 891, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by requiring the Department of Revenue to establish a system for the permanent registration of hunters revising the provisions of said act relating to the issuance of licenses

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three hundred and two and three hundred and three of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225), entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" are hereby amended to read as follows

Section 302 Resident License Fee Each such resident as provided in the preceding section upon presentation of a properly signed hunter's registration card as hereafter provided and the payment of two dollars (\$2.00) or upon application made in writing to [any agent authorized to issue such licenses with the Commonwealth] any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identity to the satisfaction of the authority issuing the license or to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and the payment to [said agent or] the county treasurer or his agent or the Department of Revenue of two dollars (\$2.00) shall be entitled to a resident hunter's license and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided.

Section 303 Nonresident and Alien Nonresident License Fees Every nonresident of this Commonwealth upon presentation of a properly signed nonresident hunter's registration card as hereinafter provided and the payment of fifteen dollars (\$15.00) or upon application made in writing [to any agent authorized to issue such license or] to any county treasurer or any of his agents appointed by him to issue licenses or to the Department of Revenue and

the presentation of proof that he is a citizen of the United States unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon payment [to said agent or commission] of fifteen dollars (\$15.00) shall be entitled to the license herein designated as a Nonresident Hunter's License and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided

Every alien nonresident of this Commonwealth who is also a nonresident of the United States upon written application made to any county treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon the payment [to the Department of Revenue] of the fees above designated for non-residents shall be entitled to a nonresident hunters' license and the proper tag issued therewith but [the Department of Revenue shall indicate] on the face of the license it shall be indicated that the holder is an alien nonresident

Section 2 Article III of said act is hereby amended by adding thereto after section three hundred and three a new section to read as follows

Section 303.1 Examinations for License Exceptions Any person except as herein otherwise provided applying for a resident or a nonresident hunter's license shall be required to secure an application from the county treasurer or his authorized agents or the Department of Revenue prior to October first of any year in order to undergo an examination conducted by field officers of the commission provided by it for such purposes at the offices of the Department of Revenue the commission or any other place in the Commonwealth designated by the commission for such purposes The issuance of a license shall be determined by the results of such examination showing the applicant's knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Provided however That in lieu of this examination an applicant for a nonresident hunting license may submit on a form provided by the Department of Revenue for that purpose a sworn affidavit from his own state's conservation department or game commission or their authorized agents certifying to his knowledge of hunting safety rules and regulations the game laws and the handling and use of firearms Any person holding a resident or nonresident hunter's license expiring the thirty-first day of August one thousand nine hundred and forty-two or thereafter shall not be required to undergo the examination provided for by this section in order to secure a renewal of such license unless such person shall fail to renew such license for a period covering two consecutive license years

Section 3 Section three hundred and five of said act is hereby amended to read as follows

Section 305 License Issuance Supervision The issuance of all hunting licenses shall be under the direct supervision of the Department of Revenue [which shall designate the several county treasurers and such other issuing agents throughout the Commonwealth or otherwise as it may find essential to control the lawful issuance thereof] Each county treasurer shall be an issuing agent of the said department and is hereby authorized to issue hunting licenses as provided by this act and each such treasurer shall appoint his own agents in the various parts of the county for the purpose of facilitating the issuance of such licenses throughout the county Each county treasurer shall appoint not more than one agent for each one thousand hunting licenses and not less than one agent for every two thousand hunting licenses issued in such county for the preceding license year All such agents of the county treasurer shall be authorized by the treasurer to issue resident and nonresident hunting licenses and they shall receive all licenses tags and necessary supplies forms and material from the treasurer and shall make all returns reports and remittances to him The treasurer shall be

responsible for their acts in relation to such duties. The Department of Revenue may recall the appointment of any county treasurer or other agent at any time with or without cause and shall recall the appointment of remove any county treasurer [or other agent] as issuing agent either upon receipt of evidence that such county treasurer [or other agent] has not complied with the requirements of this act or upon receipt of a recommendation from the commission that such county treasurer [or other agent] be recalled because of carelessness or negligence in the issuance of licenses. In case of such removal the said department shall appoint another issuing agent in and for such county with the same powers rights and obligations of the issuing agent so removed.

It is unlawful for any issuing agent or any of his agents employees or representative of the Department of Revenue or its employees to issue any license to hunt to any applicant or for any justice of the peace magistrate notary public or other agent authorized to receive applications to accept an application for such a license from any applicant who has not established satisfactory identification as hereinbefore required or to any person physically or mentally unfitted to carry or use firearms or to any person who has failed to pass an examination when required or who has been denied the right to secure a license in any manner hereinafter specified by revocation.

Section 4 Article III of said act is hereby amended by adding thereto after section three hundred and five four new sections to read as follows:

Section 305.1 Permanent Registration of Hunters Established. The Department of Revenue shall establish a system for the permanent registration of persons who desire to hunt or trap in the Commonwealth. Said system shall be set-up in such a manner that all persons holding a resident or nonresident hunting license which expires on August thirty-first one thousand nine hundred forty-two and who forward to the department their game kill report for such license year and all persons who shall receive a resident or nonresident hunting license for any license year thereafter shall be registered thereunder and their names addresses brevitized descriptions and other information deemed necessary by the department entered in the files and records provided for such systems in the manner deemed most suitable by the department for carrying out the provisions of this amendment.

Section 305.2 Loss of Registration. The names of all persons registered under such permanent registration system shall remain in the records and files thereof permanently or until such person shall fail for two consecutive license years to forward his game kill report to the department. If any registered person shall fail for such period to forward said game kill report whether or not through neglect or because of failure to take out a hunting license for one or both of such years his name shall be removed from the permanent registration records and files.

Section 305.3 Registration Cards. The Department of Revenue shall forward to each person registered under the permanent registration system before August first of each year so long as such person's name remains in the registration files a certificate of registration in the form of a registration card which card when signed by the person to whom issued and presented together with the proper fee to any person authorized to issue hunting licenses shall entitle such person to the hunting license for which he is qualified without his personal appearance and without any other action or signature on his part.

Section 305.4 Powers of Department of Revenue. The Department of Revenue shall prepare install and furnish to issuing agents all such files forms blanks and equipment and shall make such rules and regulations not in conflict with the provisions of this or any other act of assembly which it deems necessary to carry out and enforce the provisions of this amendment.

Section 5 Section three hundred and nine of said act is hereby repealed.

Section 6 Section three hundred and ten three hundred and eleven three hundred and twelve and three hundred and thirteen of said act are hereby amended to read as follows:

Section 310 Issuing Agents to Keep Record and Make

Report. Each Issuing Agency of this Commonwealth agent shall keep a correct and complete record of all resident and nonresident hunters licenses issued by him. Each issuing agent shall at the close of each week forward a weekly report to the Department of Revenue on blanks furnished to him a complete list of licenses granted during the previous week in correct numerical sequence with names and addresses of licensees and such other information and data as the Department of Revenue may require. A duplicate copy of said report shall be forwarded to the director and a triplicate copy of the report shall be retained in the office of the issuing agent and such other copies of forms and other parts of the records of said agent as the Department of Revenue shall designate shall be forwarded to the director and the said department and retained in the office of the issuing agent which shall be open at any reasonable hour to the inspection of any officer of the Commonwealth whose duty it is by law to protect the game of the Commonwealth or to any landowner or his representative to any representative of the Department of Revenue or to any representative of the Department of the Auditor General.

Section 311 Agents to Collect and Remit License Fees Reports Compensation. The agents designated by the Department of Revenue issuing agents provided by this act for the collection of said license fees for their services rendered in collecting and paying over the same shall as long as they continue to be issuing agents of the Department of Revenue be allowed to retain not to exceed shall retain the sum of ten cents from the amount paid for each resident hunter's license and [not to exceed] twenty-five cents from the amount paid for each nonresident hunter's license which amount shall be full compensation for services rendered by them and their personally appointed agents under the provisions of this act such compensation to be disposed of by the respective issuing agents as may now or hereafter be provided by law. Each issuing agent shall remit all balances arising from this source at the end of each week to the State Treasurer through the Department of Revenue upon a form to be supplied by the Department of Revenue which weekly remittance shall be accompanied by a copy of the list of licenses issued during the previous week. All such moneys shall be placed in the Game Fund by the State Treasurer.

Every agent designated to issue hunter's licenses unless already under bond to cover the handling of public funds shall give bond to the Commonwealth in the sum of one thousand dollars (\$1,000.00) before the annual supply of licenses is delivered to him.

Any issuing agent who shall fail to comply with any of the provisions of this act relating to hunter's licenses shall not be entitled to retain the sum hereinbefore fixed for his services but such sum shall be paid to the State Treasurer and if not so paid may be recovered by the Commonwealth by suit in the same manner as like amounts are now by law recoverable.

Section 312 Replacement of Registration Cards Lost Licenses and Tags. Any holder of a hunter's license or of a hunter's registration card who shall lose either the license or the tag issued therewith or both the license and tag or the registration card upon application to the Department of Revenue or other agent who issued the same accompanied by a sworn statement setting forth the pertinent facts relative thereto and in the case of a license or tag the remaining portion if any of the original and the payment of one dollar shall be entitled to a new license and tag of the same kind and value as the original and in the case of a registration card the payment of fifty cents shall be entitled to a duplicate registration card.

The issuing agent Department of Revenue or agent who issues such license shall indicate on the face of the license so issued also on the stub or carbon copy thereof that it is a replacement with the number of the original license. The affidavit so filed and any remaining portion of the original license also shall be fastened to the stub or carbon copy of the replacement license for the information of the auditors.

For such services the [Department of Revenue may authorize any] issuing agent [to retain not to exceed] may retain the sum of ten cents from the said one dollar fee and five cents from the said fifty cent fee and re-

mit the balance of the replacement license fee or duplicate registration card fee as hereinbefore provided

Section 313 Power to Administer Oaths Each [agent] issuing agent and each of his agents authorized or designated by him to issue hunting licenses and each employe who may be authorized or designated by the Department of Revenue to issue hunting licenses [and each [agent] employe who may be authorized or designated by the Department of Revenue to receive applications for such licenses] in accordance with the provisions of this act is hereby empowered to administer any oath that may be required in connection with the issuance of such licenses or receiving applications therefor.

On the question,

Shall the bill pass finally?

Mr. BRETH. Mr. Speaker, House Bill No. 891 was introduced by me early in the session and was aimed at two things, to control the issuance of hunting licenses and to protect the lives and limbs of hunters in the woods. I would not be speaking on this bill tonight, because I think every Member in this House is familiar with it, except for a newspaper article which appeared last week, and I just wish to clear up a few matters that appear therein. I quote from a newspaper article by the United Press, under the headline, "Outdoor Sportsmen's Clubs Attack 'Examination' Bill." The article goes on as follows:

"OUTDOOR SPORTSMEN'S CLUBS ATTACK 'EXAMINATION' BILL

HARRISBURG, June 5—The Northwestern Division, Pennsylvania Federation of Sportsmen's Clubs here today vigorously opposed as a "nightmare" the Breth Bill, to compel examination of hunters as a requisite for a license.

"The proposal, authorized by Rep. Harris G. Breth (D., Clearfield), is on the House final passage calendar. It was defeated by a 94-87 vote May 13, revived six days later, and given third reading, with amendments, last week.

"Rep. Wilbert D. Imbrie (R., Butler), a Federation member, and former chairman of the House Game Committee, disclosed a letter from Seth E. Myers, Sharon, Northwestern Division secretary, condemning Breth's activity in behalf of the bill.

"It has come to us," Myers said "that Breth has let it be known in the House that he was the chosen man of all the sportsmen to go to bat for us. You will do sportsmen a great service if you will let it be known that he is not, by any manner of means, acting in the interest of anyone but himself."

"Myers said a meeting of the State Federation's Broad of Directors and Game Commission members revealed that all present agreed that Breth's bill, or 'other wildcat' measures, should not be approved.

"Considerable resentment was in evidence concerning Breth's attempt to set himself up as a dictator of conservation, or some sort of modern Moses," Myers said.

"Myers asked Imbrie to apprise the House Game Committee of the 'truth of what the sportsmen of the state think of this nightmare known as House Bill No. 891."

"From ideas contained in several of these proposed bills, introduced evidently by persons who have little or no knowledge of the state conservation program, it would seem that we actually have a 'fifth column' in our conservation ranks," the Myers's letter said."

Mr. Speaker, I have not been here very long, approximately six months, but the one thing that has been impressed upon me is the ethical plane upon which most matters coming before the House are discussed and acted upon. I consider the Legislature a deliberative body and

that all bills should be considered on their merits. There is nothing in this newspaper article which discusses the merits of the hunter's examination bill, but I want to say that the sportsmen throughout the State have been discussing the merits of the bill, and I wish to present some extracts, first, from the Legislative Bulletin No. 2 of the Pennsylvania Federation of Sportsmen's Clubs which represents twelve hundred sportsmen's clubs in the State.

The resolution reads as follows:

"House Bill 891 introduced by Harris Breth. This bill which provides that the County Treasurer's Office is the agency for the issuance of hunting licenses with the power to appoint sub-agents was defeated in the House, Tuesday, May 13, when called up from the postponed calendar, but may be reconsidered later on. It provides for permanent hunting registration. This would simplify the matter of securing a license. It provides for an examination conducted by a representative of the Game Commission to secure a hunting license for any one who never had a license or who has not taken out one for two years. Such an examination would make hunters safety-conscious. If it will save one life it will certainly be worthy. The principles of this bill are good and they appear to be workable. If it is enacted into law it will not be effective until 1942."

That bulletin was signed by Mr. Charles K. Fox, Chairman Legislative Committee, Pennsylvania Federation of Sportsmen's Clubs.

Mr. Speaker, I also have a letter in my possession from the Hon. Grover C. Ladner, who was president for a good many years of the Pennsylvania Federation of Sportsmen's Clubs and who helped build it into the organization it is today, comprising twelve hundred individual organizations.

Judge Ladner says in his letter:

"If it is not too late, I shall be glad to do what I can to help you put through House Bill No. 891, which I think, as amended, deserves the support of all organized sportsmen."

Now, Mr. Speaker, let us jump from the sportsman to a man who ought to know something about hunting accidents. This is a letter from F. E. Sass, Coroner of Somerset County. It is not addressed to me and I doubt if he knows that I exist or that I have made any attempt to set myself up as the modern Moses in this House. This letter is addressed to Hon. Chas. H. Ealy, Pres. pro tempore of the Pennsylvania State Senate, Harrisburg, Pa., and reads as follows:

"I noticed in the paper yesterday that you will have before you a bill requiring examination for new applicants for a hunting license.

"I think such a law is in order, and strict regulations should be enforced in this line. However one important phase seems to have been overlooked, and that is, the use of a borrowed gun.

"My experience as a physician, and somewhat of a hunter and during the past 4 years as Coroner of Somerset County, has conclusively proved that about 75% of the accidents including the hunting fatalities are caused by the party using, a borrowed gun. This is easily explained. It would still be better if the law included some provision, denying an applicant a license who has not used or become accustomed to his gun for a period, say 6 months prior to the issuing of his license. An applicant who does not own a gun, with which he proposes to hunt with should by all means be denied a license.

"I have seen heartbreaking accidents happen, be-

cause of the fact that the hunter did not understand his gun. It was either a lately acquired gun or a loaned gun. Often the latter.

"I am sure that a law of the kind stated, and including a provision forbidding the use of a borrowed gun, or one with which the hunter has had little or no experience in using would reduce the hunting fatalities to 50% or better.

"I am quoting the above from my own knowledge and experience in investigating hunting fatalities."

Respectfully,
R. E. Sass, M.D.,
Coroner of Somerset Co.

I want to inform the Members of this House that Lawrence County is a part of the northwestern division from which Mr. Meyers wrote his astonishing letter and unwarranted attack upon me personally. I quote from a letter to Presley N. Jones from the Lawrence County Sportsmen's Association as follows:

"Because of the definite control obtained by issuing and giving the County Treasurer control and power to appoint additional agents, and because of the limitations set up as to the number to be issued by each agent, and

"Because of the permanent registration required of each hunter and trapper, the examination of all new hunters makes it possible to weed out and prevent many undesirable non-resident hunters who come over the state line and obtain a resident hunting license under a false resident address,

Be it resolved: "That we, the members of Lawrence County Sportsman Association urge our representative in Harrisburg to support the passage and give this bill, known as No. 891, his full support, as amended."

I have a wire before me from the Beaver County organization which says,

"The bill for the examination of new hunters is heartily approved by our organization. Your efforts are appreciated." This telegram is signed by "I. S. Sahli."

The Southern division is composed of nine counties in this state, York, Lancaster, Dauphin, Juniata, Perry, Mifflin, Cumberland, Adams, and Lebanon. Several weeks ago without any influence or pressure on my part and without knowledge on my part, they endorsed House Bill 891 as an excellent hunting bill.

Mr. Speaker, Allegheny County as long as fifteen months ago passed a resolution favoring the examination of all new hunters. Armstrong County is on record favoring the bill. Westmoreland County, Carbon County. I cannot see how Mr. Meyers had the information to state that I consider myself the modern sportsman's moses of this House.

I want to give you a few figures, Mr. Speaker, which I think will astound you. These are the figures of the Pennsylvania Game Commission. In the last three years, for which the figures are complete, that is the years 1937, 1938 and 1939, there was an average of forty-six men killed and three hundred and seventy-five injured in the woods every year. Prior to that there were only thirty-five killed and two hundred and twenty-two injured. That means there has been an increase of thirty per cent in the men killed in the past three years over the prior three years and an increase of over sixty per cent of those injured in the woods.

I am not going to take up very much more of your time, but I want to bring out just a couple points. Of

all the departments of industry, corporations and other things under regulation of this particular legislature, hunting is the only one that has no special safeguard to protect the hunter. I was very much amused some weeks ago to listen to the debate on the floor of this House on the Casey Jones Bill, which authorized an electric lantern to be carried by the brakemen instead of the old oil lamp. The general trend of the argument at that time was the fact that a brakeman might sometime in a storm have his light blown out and before he could relight it an engine might come down the track, hit him and injure or kill him, and practically without a dissenting vote the bill passed in this House.

Some weeks ago I heard the gentleman from Delaware Mr. Turner get up on the floor of the House and plead with the Members of this House not to take milk away from growing babies. Why? Milk builds strong and healthy bodies.

POINT OF ORDER

Mr. GEORGE E. JONES. Mr. Speaker, I arise to a point of order.

The SPEAKER. The gentleman from Blair will state his point of order.

Mr. GEORGE E. JONES. Mr. Speaker, cannot the gentleman from Clearfield confine his remarks to this bill? We are not passing milk bills or railroad lantern bills now.

The SPEAKER. The gentleman will confine his remarks to the bill before the House.

Mr. BRETH. A few weeks ago the gentleman from Blair, Mr. Jones, when this bill was up for discussion, stated that this was a bad measure. It was introduced for one reason only. I expect to be out in the woods a great deal longer than some other Members of this House in the next hunting season. I have been shot at and I have been missed. I have had friends who were shot at and not missed. Last year one of my best friends had six inches of bone taken out of his right arm because of being hit by a bullet from a high powered rifle.

Mr. Speaker, this bill has never been discussed on its merits. It has been discussed in every other way, but not upon its merits. We believe that this bill will provide a safeguard for human life, and I as a hunter demand protection. It is not there and it cannot be given to me unless some kind of legislation is passed which restricts the issuing of hunting licenses. As I said before, regardless of their previous records, any man can walk up to an issuing agent and get a license to hunt right alongside me in the woods, or behind me in the woods. There is nothing to prevent a novice from shooting me in the back, as the Coroner of Somerset County has stated.

Mr. Speaker, I ask the Members of this House to adopt this bill on its merits and not on its political implications. I ask the support of this House for this particular measure.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I will, Mr. Speaker.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to ask the gentleman how many of the six hundred thousand hunters in Pennsylvania does the Federation of Sportsmen's Clubs represent?

Mr. BRETH. The last report from last year, Mr. Speaker, showed a trifle over eighty thousand.

Mr. GEORGE E. JONES. That is all, I thank the gentleman.

Mr. Speaker, this is one bill that I think should not have any partisan alignment. As I said two years ago in speaking on the bill, when a man goes out to get his hunting license, they don't ask him whether he is a Democrat or Republican. When he gets out into the woods, the game isn't Democrat or Republican, either. If this bill did as Mr. Breth says, I would not oppose it at all, but I want to call your attention at first to the fact that he says eighty thousand out of six hundred thousand. I feel myself that the purpose of this bill is to eliminate a lot of these fellows that do not belong to the Federation of Sportsmen Clubs. I have belonged to clubs and do belong to the Federation, and all of the clubs of my county are opposed to this bill, and I really think it is a bad bill.

Another point I wish to bring out is that Mr. Breth said he is quite frequently in the woods, and maybe he is, but I was in the woods a long time before Mr. Breth was big enough to be able to be in the woods. Somebody suggested he isn't big enough yet.

If I were to be called up for examination to see whether I can handle a gun or not, I believe I could compose myself and be just as composed as anybody. I believe I could pass the examination, but if I were one of the fellows that did the shooting or killing of a bear or deer, who go out of their head, and I have seen them in action, those are the guys that do the killing, and this bill positively will not have any effect upon them. I really feel it is a bad bill. I know the hunters don't want it. A few of them may, but I am closely affiliated with many of them, and I wouldn't want to say on the floor of the House what Mr. Breth said about me, I won't do that; it wouldn't be right. I want to say this, that this bill has created a big controversy, just like it did when it went through the other day and was defeated. It was defeated while I wasn't here. Of these 600,000 sportsmen, if you want to get say 520,000 of them on your back, I say go ahead and pass this bill.

Mr. BRETH. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Jones.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. GEORGE E. JONES. I will, Mr. Speaker.

Mr. BRETH. Mr. Speaker, the point raised in the gentleman's argument is that eighty thousand sportsmen were trying to argue against six hundred thousand is, that correct?

Mr. GEORGE E. JONES. Possibly, yes, Mr. Speaker.

Mr. BRETH. And how many people in the gentleman's district? What is the population of his district?

Mr. GEORGE E. JONES. About one hundred and forty thousand, Mr. Speaker.

Mr. BRETH. all right, Mr. Speaker, the gentleman represents one in one hundred forty thousand. This is a deliberative body. This body studies the bills before them, and I know they have studied the hunter's bill.

Mr. GEORGE E. JONES. I have studied this bill, Mr. Speaker.

Mr. BRETH. Certainly, Mr. Speaker, the gentleman is one in one hundred forty thousand. That is all, and I thank the gentleman, Mr. Speaker.

They may think this is a pet measure of mine, but I have seen what can happen. In the past fifteen years in this state seven hundred sixty-one men have been killed in the woods, four thousand two hundred seventy-three have been injured. That is over five thousand people killed or injured in the woods, and not one safeguard has been provided. That means that not five thousand homes have been affected, but ten thousand because I have seen the effect not only on the home of the bereaved family, but the effect on the family responsible for the accident. I know one case where a man shot another man in the woods and he had a retail business, but in a few years he was on W. P. A. I plead for safety in the woods. What are we doing from the standpoint of the man in the woods? Today a man nearly upset me on the highway because he passed the stop sign. There is no examination on the highways that would make a man stop at a stop sign. He does that of his own free will, but I say to you, Members of the House, how many of you heed the stop sign on the highway, how many of you go more than fifty miles an hour, and yet none of you can say that that would reduce accidents.

Mr. GEORGE E. JONES. Mr. Speaker, I would like to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I will, Mr. Speaker.

Mr. GEORGE E. JONES. The gentleman has just said there was no law to examine a fellow to stop at a stop sign? What is the difference in the examination provided under that law and the examination under the hunter's law?

Mr. BRETH. Mr. Speaker, in this hunter's examination bill it would be exactly parallel with the car examination bill. There would be a pamphlet issue for one who applies for a new license just like it is on the highway. There are only two or three questions asked of a driver when he demonstrates before the State Police.

Mr. GEORGE E. JONES. Does the gentleman stop at a stop sign, Mr. Speaker.

Mr. BRETH. Mr. Speaker, you are told in the pamphlet to stop at a stop sign, and you would be told in the pamphlet regarding the hunter's bill to not shoot at anything in the woods until you see and know it is game and not a man.

Mr. GEORGE E. JONES. The gentleman said, Mr. Speaker, that he thought I had not studied the bill. I want to read on page four of this bill a part of section three, at the top of page four:

"Every alien and nonresident of the Commonwealth who is also a nonresident of the United States upon written application made to any County Treasurer or any of his agents appointed by him to issue such licenses or to the Department of Revenue setting forth satisfactory evidence of his mental and physical fitness to carry and use firearms, unless any such person has been disqualified for a license or fails to pass an examination in the manner hereinafter specified and upon the payment of the fees above designated for nonresidents will be entitled to a nonresident hunter's license and the proper tag issued therewith, but on the face of the license it shall be indicated that the holder is an alien nonresident."

Right now in the United States, an alien nonresident cannot have a gun or a dog. What are you going to hunt with? I think right there every true American citizen

should vote against this bill just for this one reason, because I don't think it is fair. I think it would be plenty fair if we could bring Hitler over here,—I would like to go out hunting with him. I think for that reason we should oppose this bill, because it is bad legislation.

Mr. BRETH. Mr. Speaker, the gentleman from Blair certainly has read the bill, but he has not read the game law. That particular passage, Mr. Speaker, is in the game law now; it has been in there ever since the game law of 1915 was passed. How can an alien be permitted to hunt? In 1939 there were two issued and last year there was one issued. A couple weeks ago one was issued to Lord Halifax for hunting in Virginia, and he was forced under the laws to buy an alien nonresident hunting license of Virginia. It is in the law now, and if this bill does not pass, that particular part of the law would remain.

The gentleman from Blair spoke of Canada. If Canada would put through a law to prevent aliens from hunting up there, what would our hunters think of that? It is really reciprocity. There is nothing bad about the bill. I didn't put that into the law, and the passage that was put in there was the passage that was amended. Mr. Jones may have read the law, but he has not read the present game law.

Mr. GEORGE E. JONES. Mr. Speaker, if this were to specify Canadians and that we are allowed to go to Canada to hunt, that would be all right, but this bill says that an alien nonresident cannot go hunting, an alien nonresident cannot have a dog or a gun. I would like to know the answer to that. I still think it is a bad bill all the way through. I tell you fellows about hunters not calling themselves sportsmen. I want to tell you a little bit about some of these sportsmen, so called, in my county. They go out on the last day of the deer season and hire an aeroplane to hunt deer. Those are the fellows that call themselves sportsmen. I say to you the hunters don't want this bill.

Mr. STAMBAUGH. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. STAMBAUGH. Mr. Speaker, in the course of the gentleman's discussion he mentioned the southern district composed of several counties among which he mentioned, Perry county as having gone on record as being in favor of this bill. I wonder if the gentleman would be so kind as to tell the House what association in Perry county did approve this bill.

Mr. BRETH. Mr. Speaker, I have a letter here from Joseph W. Kistler president of the Affiliated Sportsmen's Clubs of Perry County.

Mr. STAMBAUGH. And Mr. Kistler approves of this bill, does he, Mr. Speaker?

Mr. BRETH. Mr. Speaker, Mr. Kistler in his letter said,

"I am writing to you in regards to your bill for the examination of first year hunters. This bill should become a law beyond all doubts, if not this one a compromise and make one for two years on the questionnaire sort which I do believe will pass without any doubt. I find some hunters are finding fault with your present bill, (as it is now written).

"I am the President of the Affiliated Sportsmen's Clubs of Perry County, Pennsylvania and in a recent talk of this Bill find some opposition but a great majority in favor of some legislation of its kind. Our

representative Mr. Stambaugh, is also in favor of some legislation of this kind and I think you will find him ready to go with you 100% on something similar, but I doubt the original very much at this time.

"If you should contact Mr. Stambaugh, tell him that I wrote you in regards to this Bill and see what he has to offer and tell him the Aff. of Perry Co. are satisfied with his decision in this matter.

"If you care to you may ask Mr. Gordon as to my activities in the field of sports.

Joseph W. Kistler
2838 Walnut St.,
Harrisburg, Penna."

Is the gentleman from Perry satisfied, Mr. Speaker?

Mr. STAMBAUGH. Mr. Speaker, I thank the gentleman. That was not presented at a meeting at Huntsdale was it, Mr. Speaker? Will the gentleman give us the date of that meeting?

Mr. BRETH. Mr. Speaker, I think the gentleman quizzed me before and I told him I didn't even know my bill was coming up at the Huntsdale meeting.

Mr. STAMBAUGH. Mr. Speaker, this bill is one of far reaching consequences to all of us; it is of vital interest to all of us who like to go in to the woods and the hills and fields and spend some time in recreation and hunting there. I spend most of the time I take off in the way of vacation in the woods, the mountains, fields, with my neighbors. I go and talk with the farmers and with those who are accustomed to living in the countryside, and I know their feelings, their personal feelings, very well. I keep in close touch with those who actually furnish us, who do not live in the country, the opportunity to go out and tramp over their hills and fields, and those are the men that have not really been mentioned in this debate tonight. There has not been one single word said concerning the feelings of the man who owns the land over which we trespass; there has not been one single word said as to the feelings of the farmer or the man who owns a private woodland. It is those for whom I want to speak rather than for the several associations of sportsmen which have been ably and well represented. It is my opinion if we put on record this system of examinations for hunters we will be going backward in the hearty system of cooperation that is existing at the present time between the sportsmen of the cities and the land-owners and farmers. We will be putting ourselves back at least ten years and we will have that whole work to do over again.

The farmers the full length and breadth of my county have contacted me, Mr. Speaker, and they have told me they did not know what it was all about; they believed that their boys nineteen or twenty years old, or they themselves, if they must have a hunting license and shouldn't want one this year but would want one next year, knowing how to handle a gun, they think it would be an imposition to be required to say on the first day of October, "I want to go hunting on the first day of December." There isn't any provision made in this bill whereby someone out in the country could have an examination and be allowed to hunt just the following day or any closely succeeding day. In that very point alone we are certainly stamping on the feet of the very people who furnish us with the opportunity to hunt. It is my opinion and my conviction, since going over my county, that in Perry County, which is one of the best small game counties in the central part of the state, posters will be placed on

practically fifty per cent of the farms and we will not have that freedom to hunt that we have had in the past.

Mr. Speaker, I say to the members of this House we are doing an injustice to ourselves, to the sportsmen's organizations, to the farmers and to everyone concerned, if we pass this bill at this time.

Certainly I would not say or do one single thing that would jeopardize the life of anyone. We have too many accidents, fatal and non-fatal, but I cannot see anything in this bill that is going to help that situation one iota. I do not see anything that will clear up that situation. As the gentleman said, the man who takes an examination drives by the stop sign, and surely the man who takes an examination and becomes excited in the woods will shoot promiscuously just the same.

There are other features in the bill, Mr. Speaker, that are not so good. I have not dwelt on the examination end of it, but that examination end alone is going to cost considerable money and it is going to deplete the funds that we should have for the stocking of game.

I do not think it is fair to the county treasurers of the state to set up a system whereby they are declared to be issuing agents, and must appoint sub-agents to handle the licensing of hunters, with the county treasurers responsible for the collecting of moneys and getting the moneys in. They have nothing to say about how many shall be appointed; that is fixed by statute. There is nothing, however, said to state how much the sub-agent shall receive for issuing the licenses. The county treasurer as issuing agent receives a fee of ten cents, and I think it is eminently unfair to put a burden on those counties, especially those counties of the first, second, third, fourth, fifth and sixth class, where the county treasurers receive a salary, and the other taxpayers would be compelled to pay for the clerical work of handling the licenses and yet not receive anything for it.

I feel the bill is poorly drawn. It would be difficult to handle and I feel we are doing ourselves an injustice and the sportsman an injustice if we pass this bill at this time. The examination feature is really the bad feature. As that letter to which the gentleman referred was written, I think it should be corrected. I said I believed that a permanent system of registration would be very excellent and would help materially to save trouble for those people who want to get a license, but I would never agree to go along with the examination as set up. I cannot go along with it at this time, much as I am concerned about the welfare of the hunter as well as the farmer.

Mr. PETROSKY. Mr. Speaker, I must rise at this time to support this bill, in view of the fact we are so far removed from the hunting season. We are deliberating on different measures before this body and now we have the one safety measure for the hunters before us. We fail to realize that not long ago we saw the blazing headlines concerning hunters that were killed and maimed in the woods while endeavoring to pursue the sport which they all love so well.

Being an ardent sportsman myself, and realizing the piece of legislation before us is a single item that will give us more protection than we have now in the way of a safeguard for the hunters in the woods, I rise at this time to bring to the attention of the Members of the House the different conditions that exist insofar as the safety of hunters is concerned, not only in my community but in other communities in which I have hunted. I say to you

I have seen boys and young men go in the field in an endeavor to take game, and call themselves sportsmen in this sport that we all like so well as a hobby. I say to you, I see those boys going into the fields and mishandling instead of perfectly handling firearms, which has the effect of jeopardizing the lives of their fellowmen. I say to you that during the past hunting season back home in my own small community alone, which comprises a population of no more than fifteen hundred, we had three deaths resulting from the mishandling of firearms in the hands of those who were green in the use of them. I do say to you that this is one safety measure we have before us that should not die on the floor of the House. We should give this additional safeguard to the sportsmen. This plea is being made in behalf of the honest sportsmen who go into the fields seeking game for the love of the sport, and I wish the Members on both sides of the House would vote favorably on this bill.

Mr. McMILLEN. Mr. Speaker, just a few thoughts which come to my mind on this bill as we go along. I think we are overlooking one question in this bill, the question of big game hunting which ought to have serious thought and consideration.

Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. McMILLEN. Mr. Speaker, the gentleman from Clearfield spoke about two of his friends being wounded and one killed, in the last hunting season. I wonder if the gentleman who had six inches taken out of his arm heard the shot that hit him.

Mr. BRETH. Mr. Speaker, does the gentleman desire to hear the story?

Mr. McMILLEN. Mr. Speaker, I just asked the gentleman from Clearfield whether he heard the shot or not.

Mr. BRETH. Mr. Speaker, he saw the man two hundred feet away.

Mr. McMILLEN. That is all right, but as to the man who was killed, is there any circumstance to substantiate the fact that it was known where the shot came from?

Mr. BRETH. No, Mr. Speaker, not that I know of.

Mr. McMILLEN. That is all. Mr. Speaker, that brings out, I think, a point that ought to have some consideration in this hunting proposition. Personally, I have hunted since I was sixteen years old with high-powered rifles. I use a 30.06 Winchester, and you gentlemen who hunt big game know what a 30.06 rifle will do. Many a man is killed in the woods or wounded by a man who is several miles away. We use these high-powered rifles that will shoot several miles, and oftentimes the shot that wounds or kills a man comes from over another hill.

Mr. Speaker, I think we should consider this hunting proposition from a different angle. Personally I have seen the bark fly from trees over my head and I never even heard the shot; the bullet came from over another hill. I think there is something here that we are overlooking. We are trying to get at the base of a very hazardous situation by an examination and not limit the type of gun that is to be used in hunting bear or deer—what we call big game hunting.

I would like to recount an instance that I personally saw. A gentleman was hunting big game in Potter County

three years ago this last winter. He parked his car. He had nothing to throw over the radiator so he used a deer skin that had been tanned. The temperature at that time was ranging near zero. So he threw the deer hide that had been tanned from the previous year, over the radiator and went into the woods to hunt. He hunted all day and saw nothing. On the way back to his car meandering through the woods casting about, he noticed what he thought was a live deer in the woods beyond him. He leaned up against the tree, took deliberate aim and fired, but the deer did not move. He shot a second time and still that deer remained that he thought he was shooting. Upon investigation he discovered that he had fired two shots from a .300 Savage through the radiator into the motor of a brand new Plymouth automobile which belonged to him. I saw that instance; I saw the machine. Now, what are you going to do about it? That man was forty years of age and I presume he hunted plenty, but there he was shooting into his own automobile. You cannot cure this situation entirely with this examination.

I want to corroborate what Mr. Stambaugh said about the relation between the hunter and the farmer and between the sportsman and the man who furnishes the cover and the feed for this wild life. We do not want to go backwards by setting up a barrier between the two of us. Let us think a long time before we pass this particular bill. Personally, I am opposed to it. I come from a county where we do a lot of hunting and furnish plenty of game.

Mr. ELDER. Mr. Speaker, I desire to interrogate the gentleman from Clearfield, Mr. Breth.

The SPEAKER. Will the gentleman from Clearfield permit himself to be interrogated?

Mr. BRETH. I shall, Mr. Speaker.

Mr. ELDER. Mr. Speaker, I would like to have the gentleman state his reasons for Section 303.1 on page 4, line 19.

Mr. BRETH. What does it say, Mr. Speaker?

Mr. ELDER. Mr. Speaker, Section 303.1 of the bill states as follows:

"Examinations for License Exceptions Any person except as herein otherwise provided applying for a resident or a nonresident hunter's license shall be required to secure an application from the county treasurer or his authorized agents or the Department of Revenue prior to October first of any year in order to undergo an examination conducted by field officers of the commission provided by it for such purposes."

That is as far as I am interested at this time.

Mr. BRETH. Mr. Speaker, that means just what it says.

Mr. ELDER. Mr. Speaker, does the gentleman feel it is fair to the sportsmen of Pennsylvania, the nonresident sportsmen of Pennsylvania, coming in to hunt, to put them on record sixty days before the opening of the big game season?

Mr. BRETH. Mr. Speaker, well, I did not have to take a driver's examination to drive my car. I walked into the squire and I laid down \$1.50 and got a license to drive a car. I went to my employer. A brand new Buick car was setting in his garage. I started the motor and adjusted the gears, the clutch, and so forth and started out backwards from his garage. It cost me over a couple hundred dollars to fix it up.

Mr. ELDER. Mr. Speaker, the gentleman is off the point.

Mr. BRETH. Mr. Speaker, I am not off the point at

all. Let me say this, I read the letter from the Coroner of Somerset County pointing out that seventy-five per cent of the hunting accidents in his county were caused by the use of a borrowed gun or a new gun. This is the point. The bill says that no hunter shall be required to take an examination unless he has lapsed for two years. It also says that any new hunter who wants to hunt with a big game rifle that will shoot a mile and kill at a mile, can think of the fact that he wants to do that thirty days ahead of the small game season.

Mr. ELDER. Mr. Speaker, I am talking about the big game season.

Mr. BRETH. Mr. Speaker, the big game season would give you that much more to think about. As Mr. McMillen said, the fellow that would shoot a deer-hide on the hood of his car should certainly study for six months before he shoots his gun.

Mr. ELDER. Mr. Speaker, if I understood Mr. McMillen correctly, he said the gentleman who shot at the deer-hide over the hood of the radiator was forty years old and had been a hunter for some years.

Mr. BRETH. That is all right, Mr. Speaker. There is a fifty-mile speed limit on the highways, too—

Mr. McMILLEN. Highways do not enter into this at all, Mr. Speaker.

Mr. BRETH. Mr. Speaker, Mr. McMillen was talking about laws regulating the power of the gun used. How many of you observe the fifty-mile speed limit?

Mr. ELDER. Mr. Speaker, my question in the first place was whether the gentleman thought it was fair to our sportsmen in Pennsylvania to put them on record sixty days prior to the opening of the big game season. I still do not have a satisfactory answer.

Mr. BRETH. Mr. Speaker, I will answer the gentleman in this way: in the state of Pennsylvania there were 675,000 licensed hunters. There has been an increase of 140,000 since 1936, and those 140,000 certainly would need something to educate them in the use of a gun because the killings have increased 30 per cent and the accidents have increased sixty per cent.

Mr. O'BRIEN. Mr. Speaker, I move the previous question.

The SPEAKER. Will the gentleman please yield until the interrogation is over between the two gentlemen? Will the gentleman from Philadelphia withdraw his motion?

Mr. O'BRIEN. I shall, Mr. Speaker.

The SPEAKER. For the information of the gentleman, the Chair interrupted the Members during the interrogation. The Chair thanks the gentleman from Philadelphia. The gentleman will proceed.

Mr. ELDER. Mr. Speaker, does the gentleman from Clearfield have any statistics as to the number of accidents, fatal or non-fatal, that were caused by new applicants for license last year?

Mr. BRETH. No, I have not, Mr. Speaker. I do not think such records were kept.

Mr. ELDER. Then, Mr. Speaker, why subject the new licensee to an examination that none of us has had to take?

Mr. BRETH. Mr. Speaker, times have changed. The present law providing for a driver's license for an automobile was only passed in 1923.

Mr. O'BRIEN. Mr. Speaker, at this time I move the previous question.

The motion was seconded by Messrs. O'Brien, Elliott, Mooney, Paul A. Brunner, Wolf, Balthaser, McIntosh,

Chervenak, Yester, Gerard, Finnerty, Marks, Tarr, Monks, Wright, McDermott, O'Mullen, Finestone, Kolankiewicz, Hersch, D'Ortona and others..

On the question.

Shall the main question be now put?

It was agreed to.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz

YEAS—88

Achterman,	Elliott,	Malloy.	Rooney.
Allmond,	Falkenstein,	Maxwell,	Rose, S.
Baker,	Finestone,	McClanaghan,	Rush,
Baughner,	Finnerty,	McFall,	Sarra,
Bentley,	Flynn,	McIntosh,	Scanlon,
Boles,	Gerard,	Melchiorre,	Schwab,
Boney,	Goodwin,	Modell,	Shaffer,
Bradley,	Haberlen,	Monks,	Shepard,
Breth,	Hare,	Mooney,	Skale,
Brown,	Harkins,	Moran,	Tarr,
Burns,	Heatherington,	Moul,	Tate,
Chervenak,	Hersch,	O'Brien,	Verona,
Chudoff,	Holland,	O'Connor,	Vincent,
Cochran,	Jefferson,	O'Mullen,	Weiss,
Co rigan,	Jones, P. N.,	Owens,	Welsh, E. B.,
Croop,	Keenan,	Petrosky,	Welsh, M. J.,
Cullen,	Kenehan,	Pettit,	Wilkinson,
DiGenova,	Kolankiewicz,	Polaski,	Williams,
Dolon,	Leonard,	Polen,	Woodring,
D'Ortona,	Lesko,	Powers,	Yester,
Duffy,	Longo,	Regan,	Young,
Early,	Lovett,	Reynolds,	Kilroy, Speaker.

NAYS—96

Auker,	Gillan,	Lichtenwalter,	Serrill,
Balthaser,	Gillette,	Lyons,	Simons,
Bentzel,	Gross,	Marks,	Snyder,
Boorse,	Gryskewicz,	McClester,	Sollenberger,
Bower,	Gyger,	McDermott,	Sorg,
Brunner, C. H.,	Habbyshaw,	McGrath,	Stambaugh,
Brunner, P. A.,	Haines,	McKinney,	Stank,
Burris,	Hall,	McLanahan,	Stockham,
Cadwalader,	Hamilton,	McLane,	Taylor,
Cook,	Harmuth,	McMillen,	Thompson, R. L.,
Cooper,	Harris,	McSurdy,	Trout,
Cordier,	Helm,	Mulr,	Turner,
Dalrymple,	Hewitt,	Munley,	Van Allsburg,
Dennison,	Hirsch,	Nunemacher,	Vogt,
Dix,	Huntley,	O'Dare,	Voorhees,
Eckels,	Imbrie,	Rank,	Wagner,
Elder,	James,	Rausch,	Watkins,
Ely,	Jones, G. E.,	Readinger,	Weingartner,
Fiss,	Kline,	Reese, D. P.,	Winner,
Fleming,	Komorowski,	Rhea,	Wolf,
Fletcher,	Krise,	Riley,	Wood, L. H.,
French,	Lee, T. H.,	Rose, W. E.,	Woodside,
Gallagher,	Leisey,	Royer,	Wright,
Gates,	Levy,	Sarge,	Yeakel,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Clarion County, Mr. Alexander Robertson.

INTERIM REPORT OF JOINT COMMITTEE OF SENATE AND HOUSE

Mr. WOODRING asked and obtained unanimous consent on behalf of the Joint Committee of the Senate and House appointed to investigate certain charges made on the floor of the Senate, which committee was appointed pursuant to resolutions of the Senate and House on June 5, 1941 the following report.

The report was read by the Clerk:

INTERIM REPORT OF THE JOINT COMMITTEE OF THE SENATE AND HOUSE DULY CONVENED IN EXECUTIVE SESSION JUNE 9 AT 8:30 P. M. ADOPTED THE FOLLOWING RESOLUTION:

Inasmuch as the gentleman from Fayette, Mr. Cavalcante, the originator of the charges that a criminal conspiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed; and

Inasmuch as the said Senator has publicly stated on the floor of the Senate in legal session, to wit: June 9, 1941, that he will substantiate the said charges upon the floor of the Senate, but has failed to manifest any cooperation with the Joint Committee, the said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instructions and advice of the said respective bodies.

(Signed) GEORGE B. STEVENSON,
Chairman

(Signed) CARLTON T. WOODRING,
Co-Chairman

RECONSIDERATION OF HOUSE BILL No. 1166

Mr. LEVY. Mr. Speaker, I move that the vote by which House Bill No. 1166, Printer's No. 736, entitled:

An Act to amend section two of the act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (P. L. 1172), entitled "A supplement to the act, approved the seventeenth day of May one thousand nine hundred seventeen (Pamphlet Laws, two hundred and eight), entitled "An act to regulate the practice of pharmacy and sale of poisons and drugs, and providing penalties for the violation thereof; defining the words "drug" and "poison"; and providing for the appointment of a board which shall have in charge the enforcement of said law, and the power to make rules and regulations for the enforcement of said law, and providing for the purchase of samples of drugs for determining their quality, strength, and purity," requiring permits to conduct pharmacies providing for the revocation thereof and prescribing penalties further regulating the issuance of permits to conduct pharmacies"

was defeated on final passage on Monday, June 2nd, be reconsidered.

Mr. PETROSKY. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Levy, vote on the final passage of this bill?

Mr. LEVY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Westmoreland, Mr. Petrosky, vote on the final passage of this bill?

Mr. PETROSKY. Mr. Speaker, I voted in the majority. On the question,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it, Whereupon, a division was called for, ninety members having voted in the affirmative and sixty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

Mr. SAMUEL ROSE. Mr. Speaker, I really cannot understand why there should be any opposition to this particular measure. It is an amendment to the present act

and is designed to enable the State Board of Pharmacy to refuse to grant licenses in those instances where associations or organizations may have as officers individuals who are not reputable and of the highest standing.

This bill was introduced at the instance of the State Board of Pharmacy and at the instance of the Associated Druggists of Pennsylvania, who felt that there was a definite need to have power to regulate those individuals who in order to evade the present act form an association so as to obtain a license. In one particular instance a certain person had been convicted of selling narcotics. The State Board refused to grant a license to him. He then formed an association and made application for a license, and contended under the present law the association should be granted that license.

Mr. Speaker, I call upon the Members of the House to vote for this bill for better protection.

BILL POSTPONED

Mr. LEVY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1406, (Senate Bill No. 588), as follows:

An Act to protect the debtors obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby and others indirectly liable for the payment thereof prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Whenever any real property has heretofore been or is hereafter sold directly or indirectly to the plaintiff in execution proceedings and the price for which such property has been sold was or is not sufficient to satisfy the amount of the judgment interest and costs and the plaintiff seeks to collect the balance due on said judgment interest and costs the plaintiff or plaintiffs shall petition the court having jurisdiction to fix the fair market value of the real property sold as aforesaid. Said petition shall be signed and sworn to by the plaintiff or plaintiffs

Section 2 The petition (a) shall set forth the location and description of the real property sold and the name or names of all persons known to petitioner or ascertainable upon reasonable inquiry to be or who may be directly or indirectly liable to petitioner or any other person for the payment of the debt for which the judgment was entered

(b) Shall contain a statement of the fair market value of said property and

(c) Shall name as respondents the debtors obligors and guarantors and any other persons directly or indirectly liable to petitioner for the payment of said debt and the owners of the property affected thereby together with the addresses of such persons to the extent that such addresses are known to petitioner or may have been ascertainable upon reasonable inquiry and an affidavit that he does not know and after reasonable inquiry has been unable to ascertain the residence or business addresses of the others

Section 3 The court shall thereupon fix a date for hearing on said petition not less than fifteen days after the filing thereof and said petition shall be served upon

each of the persons named therein as respondents at least ten days prior to the date fixed for hearing. At any time prior to the hearing any respondent or other person in interest may appear and answer setting up in his answer in writing the nature and extent of his interest in the proceedings and answering the averments of the petition. A copy of such answer shall be served upon the petitioner within a reasonable time prior to the hearing.

Section 4 Said petition may be served by the sheriff of the County or by the sheriff of any other county specially deputized for that purpose upon the respondents named therein

(a) By handing an exact copy thereof to each of them personally or

(b) By leaving an exact copy thereof at the residence of each of them with an adult member of his family or

(c) If service cannot be had in either of the above methods the court may direct service by publishing once a week for two successive weeks both in the legal newspaper of the county and one newspaper of general circulation in the county the last such publication to appear at least fifteen days prior to the day fixed for the hearing of such petition a notice to the said respondent or respondents of the filing of said petition and the date fixed for hearing thereon. If there is no legal newspaper in the county then publication in one newspaper of general circulation in said county shall be sufficient

Any debtor obligor guarantor mortgagor and any other person directly or indirectly liable to the petitioner for the payment of the debt and any owner or owners of the property affected thereby who is not named in said petition nor served with a copy thereof or notice of the filing thereof as provided in this section shall be deemed to be discharged from all personal liability to the petitioner on the debt interest and costs but any such failure to name such person in said petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against respondent or respondents named and served

Section 5 Return of the service of any petition shall set forth particularly the time place and manner of service and shall be filed before the time fixed for hearing. No hearing shall be had until the court shall be satisfied that service has been made upon all the respondents in any of the methods herein provided

Section 6 At such hearings the only issue before the court shall be the fair market value of the property sold at the time of said sale and any party in interest may introduce into evidence testimony of such fair market value

If no answer is filed within the time provided for in this act or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value

If an answer is filed controverting the averment in the petition as to the fair market value of the property but no testimony is produced at the hearing supporting such denial of the fair market value the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value thereupon enter a decree directing the petitioner to file release of the debtors obligors guarantors or any other persons directly or indirectly liable for the debts to the extent of the fair value so fixed whereupon execution may be issued for the balance of the debt

If answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition the plaintiff or plaintiffs may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors obligors and guarantors and any other persons liable directly or indirectly for the debt and the owners of the property affected thereby from personal liability to the plaintiff

to the extent of the fair market value as averred in the answer less the amount of any prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid as distribution on the sale. If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition the court shall determine and fix the fair market value of the property which shall in no event exceed the amount of the debt interest costs taxes and municipal claims.

After the hearing and the determination by the court of the fair market value of the property the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff to the extent of the fair market value of said property as previously agreed to by the plaintiff or plaintiffs or determined by the court less the amount of all prior liens costs taxes and municipal claims not discharged by the sale and also less the amount of any such items paid at the distribution on the sale and shall also be released and discharged of such liability to the extent of any amount by which the sale price less such prior liens costs taxes and municipal claims exceeds the fair market value as agreed to by the plaintiff or plaintiffs or fixed and determined by the court as aforesaid and thereupon petitioner may proceed by appropriate proceedings to collect the balance of the debt.

Section 7 The plaintiff or plaintiffs shall file all petitions in accordance with section one and section two of this act not later than six months after the sale of any real property provided however that if the sale occurred prior to the effective date of this act the plaintiff shall file such petition within six months after the effective date of this act. In the event no petition is filed within such period the debtor obligor guarantor and any other person liable directly or indirectly to the plaintiff or plaintiffs for the payment of the debt shall be released and discharged of such liability to the plaintiff or plaintiffs.

Section 8 Nothing in this act shall be construed to affect present procedure for the public sale of real estate or the private sale thereof under order of court except to the extent herein expressly provided or necessary for the purpose of giving proper effect to the provisions hereof.

Section 9 Nothing in this act shall be construed to affect the right of any person liable directly or indirectly for the payment of the debt to the benefit of any amount realized on any execution sale in excess of the fair market value fixed or agreed to in accordance with the provisions of this act and nothing in this act shall be construed to effect a release or discharge of any person otherwise than nor to any greater extent than as herein expressly provided.

Section 10 It shall be incompetent for any debtor obligor or guarantor at any time either before or after or at the time of incurring any obligation to waive the benefits of this act or to release any obligee from compliance with the provisions thereof. Any such waiver or release shall be absolutely void unenforceable and of no effect.

Section 11 The provisions of this act shall be severable and if any section provision or clause thereof shall be held to be unconstitutional the decision so holding shall not be construed to affect or impair any other section provision or clause of this act. It is hereby declared as the legislative intent that this act would have been enacted had such unconstitutional section provision or clause not been included therein. In the event the provisions of this act as applied to the sales of real property held prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that this act then apply only to all sales of real property held after the effective date of this act. In the event the provisions of this act as applied to obligations created prior to the effective date of this act are held to be unconstitutional it is the intention of the Legislature that

this act do then apply only to obligations created after the effective date of this act.

Section 12 The provisions of this act shall become effective immediately upon its final enactment.

On the question,

Shall the bill pass finally?

Mr. SKALE. Mr. Speaker, this bill is commonly known as the deficiency judgment bill.

For several years past, successive legislatures have endeavored to pass a bill which would meet the constitutional requirements, without success; however, in other States, particularly North Carolina and New York, such legislation was recently declared constitutional.

It might be well to develop the history of deficiency judgments in Pennsylvania, very briefly. I might add at this point, that much time and attention was given to S. B. 588, now before this House for consideration, by several outstanding members of the Bar, and Judges of our Courts. More particularly, the Honorable Grover C. Ladner, Judge of the Orphan's Court of Philadelphia County, with whom I, as chairman of the sub-committee on Judiciary General, studying this bill, consulted many times. In addition, Judge Ladner was kind enough to allow me to use his notes, on a book on conveyancing, which he has written and which is going to press at the present time, and was very valuable to me.

As we all know, the aim of a foreclosure is obviously, to enable a creditor to recover his loan. The debt of course, may arise in various ways. The hardships which created a desire and a necessity for this type of legislation occurs, for the most part, on mortgage foreclosures. When real estate is sold at a sheriff's sale for more than the debt, together with interest, costs and so forth, the over-plus property belongs to the owner of the property. Conversely, if the real estate sells for less than the debt, the creditor is naturally entitled to recover the uncollected balance out of other property of the debtor. This right to demand the uncollected balance is commonly called a deficiency judgment.

Particularly in mortgage foreclosures in Pennsylvania, an inequitable rule was developed by our Courts, that the price at which the mortgaged property is sold by the Sheriff, even when purchased by the mortgagee for a nominal bid of fifty dollars is conclusive as to the value of the mortgaged property. The effect of this rule enables a mortgagee to keep the penny and the cake. He gets the property and retains the full amount of his judgment.

The hardship of this rule is clearly illustrated by the case of Lomison vs. Faust, 145 Pa. 8 (1892), where the plaintiff mortgagee had previously sold a farm to the defendant mortgagor for one thousand dollars in cash, and a mortgage of sixty-five hundred dollars. Subsequently the plaintiff foreclosed on the farm and purchased the farm at Sheriff's sale for the nominal sum of one hundred dollars. Thereafter, he proceeded to effect execution upon another farm of the defendant mortgagor. The Supreme Court said that it would be glad to relieve the mortgagor from this hardship, but that the Court would have to be consistent with the prior decisions. The Court further criticized the plaintiff in making an unconscionable use of his power. He had his farm back with one thousand dollars purchase money in his pocket and permanent improvements, far more valuable than

the return would have amounted to over the period of time that the mortgagor was in possession. He also sold the mortgagor's personal property for four hundred and seventy-five dollars. In addition, he had his judgment in full force and unsatisfied for nearly its whole amount, and now the mortgagee was proceeding to sell upon this judgment, another farm belonging to the mortgagor, after which he still holds a mortgage upon his life and earnings for all time to come. Nevertheless, the Court, realizing the injustice, was unable to give relief to the mortgagor because of the principal of law that the price realized at the foreclosure was conclusive as to the value of the mortgaged premises.

The depression period of 1929 to 1939 intensified public dissatisfaction with this harsh rule because the mortgagors not only lost their property, but remained indebted for the full amount of the mortgage and bond as well. Some it worried to death, others it drove into bankruptcy. Relief was demanded of the legislature and the result was a series of deficiency judgment acts.

The legislature convened in the special session of 1934, passed an act (P. L. 243) in an attempt to remedy the situation. Unfortunately, this was declared unconstitutional in the case of Beaver County B. & L. Ass'n. vs. Winowich, 323 P. A. 483. Mr. Justice Stern, who wrote the majority opinion, held the act unconstitutional because it infringed Art. I, Sec. 10 of the United States Constitution, providing "no state shall pass any law impairing the obligations of contract" as well as a similar provision under our state Constitution, Art. I, Sec. 17.

Briefly, the reasoning of the Court was that the laws in force at the time and place of the making of a contract entered into the obligation with the same force and effect as if expressly incorporated in the terms, and that the legislature could not remedy the situation as to existing mortgages; and that the bid at the Sheriff's sale was conclusive between the parties as to the amount to be credited on the judgment, hence the mortgagee could not be denied the right to collect the whole deficiency so fixed.

The Court further stated that the act violated Art. III, Sec. 7, of our Constitution which prohibits the passing of special laws, authorizing the impairing of liens or providing or changing methods for the collection of debts or the enforcing of judgments or prescribing the effect of judicial sales of real estate.

In a careful study of Justice Stern's decision on the act of 1934 and the bill now before the House for consideration, it will be noted that the 1934 act applies only to mortgage debts and was therefore declared unconstitutional as special legislation. However, S. B. 588 applies to all debtors including mortgage debts. This objection is now overcome because by its terms, it applies to all debts and does not impair the contract rights of a mortgagee or other lien creditors.

The opinion of Justice Stern goes on to say that the majority Court was of the view that three contract rights of the mortgagee were impaired: (1) the mortgagees right to receive payment in full of the mortgage debt. (2) the mortgagees right to receive payment in money. (3) the mortgagees right to buy in the property at Sheriff's sale for a nominal amount and retain a claim against the mortgagor for a full amount of the debt.

It is generally agreed that the first two of these rights

were impaired by the act of 1934. But it is also believed that the third right does not exist. Therefore, if the first two objections can be overcome, it will appear that a constitutional Bill could be enacted.

Regarding the first objection, the Court said that the mortgagees right to receive payment in full was impaired because the act required the mortgagee to give the mortgagor a credit for the fair value of the property, prior to foreclosure, even though the mortgagee may not purchase the property at the sale. However, S. B. 588 provides that the fair market value of the property sold shall be ascertained after the foreclosure, only if the creditor buys the property.

It is my opinion therefore, that the first objection is overcome in this way.

The second objection raised by the Court was that the mortgagees right to payment in money was impaired. This objection is overcome, because if the creditor is the purchaser of the real estate, he buys it voluntarily. In such case the creditor is not compelled to accept real estate in lieu of money, as the medium for the payment of the mortgage debt without the creditor's or mortgagee's consent. If the mortgagee is unwilling to accept the real estate in payment of the debt, he could refrain from purchasing the property and permit it to be sold to someone else, and thus retain his claim for payment in money of the full amount due, less only the amount actually realized by the sale. Therefore, I think that the two rights of the mortgagee which were impaired by the 1934 act would not be violated by providing that the debtor is entitled to credit for the fair value of the property, only if it is purchased by the creditor.

The weakness of Justice Stern's third reason is clearly demonstrated by the dissenting opinion of the late Mr. Justice Barnes, who pointed out that so far as the method of procedure by which the fair value of the mortgaged premises was accomplished was concerned, no person has a vested right, in any course of procedure, and that a State possesses control of its remedial processes and may make changes in the methods of procedure without violating the contract clause of the Federal Constitution. In *Home B. & L. Ass'n. vs. Blaisdell*, 290 U. S. 398 the Court said, on page 433 "in modes of proceeding and forms to enforce the contract, the legislature has the control and may enlarge, limit or alter them, provided it does not deny a remedy or so embarrass it with conditions or restrictions as to seriously impair the value thereof."

Justice Kephart in a concurring opinion said that a mortgagee does not have the absolute right to buy in the mortgagors property for an inadequate price. The Court in the exercise of its equitable jurisdiction can prevent the mortgagee from doing so by setting aside the sale. It used to be the rule that a Sheriff's sale could not be set aside merely because of inadequacy of price unless other circumstances were present such as fraud or irregularities in the proceeding which would have to be shown before the sale could be set aside. Recently, however, the Supreme Court has held that a Sheriff's sale may be set aside for inadequacy of price alone, as where the price is so grossly inadequate as to in effect constitute a fraud on the debtor's right. In view of this and the trend of the recent decisions, I think it is apparent that a mortgagee does not have an absolute right to bid

in the mortgagors property for less than a fair price without allowing a full credit for the value of the property.

Subsequently, there came before the Supreme Court of the U. S. the case of *Richmond Corporation vs. Wachovia Bank*, 300 U. S. 124, practically the same question decided in the *Winowich* case. This case arose in North Carolina, where an act was passed to relieve against a hardship precisely similar to our situation which required a mortgagee to credit the fair amount of the property against the judgment. The act there involved was for all practical purposes the same as our act of 1934. The United States Supreme Court, speaking through Mr. Justice Roberts, held that the North Carolina statute would not offend the contract clause of the United States Constitution. It stated further: "the loan rendered the appellees debtor to the appellant, for that debt the borrower pledged real estate as security. The contract contemplated the lender shall make itself whole, if necessary, out of the security, but not that it should be enriched at the expense of the borrower or realize more than would repay the loan with interest."

Thereafter, in *Honeyman vs. Jacobs*, 306 U. S. 539, the Supreme Court interpreting a similar statute in the state of New York, holding it constitutional, stated that the Court knows of no principal which entitles a mortgagee to receive money more than the debt with costs and expenses of suit and that he should not be enriched at the expense of the debtor. The Court further stated that it knows of no constitutional sanction which precludes the legislature from changing the procedure so as to confirm the creditor to securing the satisfaction of his entire debt, but no more than his debt.

Recently, (April 28, 1941), the U. S. Supreme Court in the case of *Gelfert vs. National City Bank of New York* held constitutional, an amendment to the original New York mortgage deficiency act which is practically identical with S. B. 588.

The Court, speaking through Mr. Justice Douglas stated, "the formula which a legislature may adopt for determining the amount of a deficiency judgment is not fixed and invariable. That which exists at the date of the execution of the mortgage does not become so imbedded in the contract between the parties that it can not be constitutionally altered. As this Court said in *Home B. & L. Ass'n. vs. Blaisdell* 290 U. S. 398. 435, 'not only are existing laws read into contracts in order to fix obligations as between the parties, but the reservation of essential attributes of sovereign power is also read into contracts as a postulate of the legal order.'"

The Court proceeds further to discuss the control of judicial sale of real estate by Courts of Equity and by legislation in order to prevent sacrificial prices.

The Court further dwelled on the fact that for about two centuries it has been a continuous effort either through general rule or by appeal to the chancellor in specific cases to prevent the machinery of judicial sales from becoming an instrument of oppression and so far as mortgage foreclosures are concerned, numerous devices have been employed to safeguard mortgagors from sales which may result in mortgagees collecting more than their due.

The variety of formulae which has been employed to that end is ample evidence not only of the intrusion

which advanced notions of fairness have made on the earlier concern for stability of judicial sales but also of the flexibility of the standards of fairness themselves. Underlying that change has been the realization that the price which property commands at a forced sale may be hardly even a rough measure of its value. The paralysis of real estate mortgages during periods of depression, the wide discrepancy between the money value of property to the mortgagee and the cash prices which that property would receive at a forced sale, the fact that the prices realized at such a sale may be a far cry from the price at which the property would be sold to a willing buyer by a willing seller reflects the considerations which have motivated departures from the theory that competitive bidding in this field amply protects the debtor.

"Mortgagees are constitutionally entitled to no more than payment in full. They cannot be heard to complain on constitutional grounds if the legislature takes steps to see to it that they get no more than that. As we have seen, equity will intervene in individual cases where it is palpably apparent that gross unfairness is imminent . . . But there is no constitutional reason why in lieu of the more restricted control by a Court of Equity the legislature cannot substitute a uniform comprehensive rule designed to reduce or to avoid in the run of cases the chance that the mortgagee will be paid more than once . . . Certainly, under this statute it cannot be said that more than that was attempted, the "fair and reasonable market value" of the property has an obvious and direct relevancy to a determination of the amount of a mortgagee's prospective loss. In a given case the application of a specified criterion of value may not result in a determination of actual loss with mathematical certitude. But "incidental individual inequality" is not fatal. The fact that men will differ in opinion as to the adequacy of any particular yardstick of value emphasized that the appropriateness of any one formula is peculiarly a matter for legislative determination. Certainly, so far as mortgagees are concerned, the use of the criterion of "fair and reasonable market value" in cases where they obtain the property for a lesser amount holds promise of tempering the extremes of both inflated and depressed market prices. And so far as mortgagors are concerned, it offers some assurance that they will not be saddled with more than the amount of their obligations. To hold that mortgagees are entitled under the contract clause to retain the advantages of a forced sale would be to dignify into a constitutionally protected property right their chance to get more than the amount of their contracts.

In conclusion, the statute in question, like the one involved in *Richmond Mortgage & Loan Corp. vs. Wachovia Bank & Trust Co.*, supra p. 130 "cannot fairly be said to do more than restrict the mortgagee to that for which he contracted, namely, payment in full." Here, as in that case, the obligation of the mortgagee's contract is recognized; the statute does no more than limit "that right so as to prevent his obtaining more than his due." *Id.*, p. 130. To be sure, the mortgagee retained in that case an alternative remedy while in the instant one of the Court of Appeals has said that under New York law there remained no alternative remedy "substantially coextensive" with that which had been removed. But it is clear from *Honeyman vs. Hanan*, 302 U. S. 375, that a require-

ment that the right to a deficiency judgment unless he moves for one raises no substantial federal question. As stated by this Court in that case (302 U. S. at p. 373), the Federal Constitution does not prevent the states from determining, on due notice and opportunity to be heard, "by what process legal rights may be asserted, or legal obligations" enforced. The principles of those cases are applicable here.

Earlier decisions of this Court have struck down under the contract clause, as respects contracts previously made, a state statute requiring judicial sales to bring two-thirds of the amount of the appraised value of the property. Those cases, however, have been confined to the special circumstances there involved. We cannot permit the broad language which those early decisions employed to force legislatures to be blind to the lessons which another century has taught.

In conclusion, it would seem to me from the foregoing analysis that the Pennsylvania Supreme Court would be practically compelled to decide such a statute does not violate the State and Federal constitution, or the impairment of the obligation of contract. Theoretically, the Court could conclude that it does violate the State Constitution and not the Federal Constitution, however, I think that the Court would not reach such an obviously illogical conclusion, and that it would follow the decisions of the other courts.

The other obstacle which may arise from the provision in the State Constitution prohibiting the passage of special laws "providing or changing methods for the collecting of debts or the enforcing of judgments, or prescribing the effect of judicial sales of real estate."

The 1937 act which was declared unconstitutional because it violated this prohibition, you will recall, applies only to mortgage debts. The court pointed out that since the act made a change in the method of collecting debts and enforcing judgments for the benefit of a special class of debtors, it was necessary, in order to determine whether the act was valid, to consider "whether the class credited out of all the debtors in the state is supported . . . by a necessity springing from manifest peculiarities, clearly distinguishing those of one class from each of the other classes, and imperatively demanding legislation for each class, separately," that would be useless and detrimental to the others. The Court concluded that there was no substantial basis for treating mortgage debtors differently than other debtors, and accordingly decided that the act was special legislation within the prohibited clause. It is therefore apparent that S. B. 588 overcomes this objection because it relates to all debtors.

I therefore ask the members of this House to support this bill and give to Pennsylvania, at last, the type of legislation for which there has been a crying need for many years.

Mr. BROWN. Mr. Speaker, I simply rise to vote a debt of appreciation to the able Chairman of the sub-committee of the Committee on Judiciary General for the work he has done on Senate Bill 588, House Bill 1486, Printer's Number 398.

I think we sometimes in this House overlook the tremendous amount of work some people are called upon to perform.

This is a very, very intricate question, a question which concerns a large number of people in the Commonwealth,

and to undertake the task which the Chairman of the sub-committee has undertaken, to do the job that he and his colleagues have done, certainly deserves the appreciation of this House. I want to publicly announce, as Chairman on the Committee on Judiciary General, that we give to them our vote of appreciation.

Mr. GATES. Mr. Speaker, while I am not concerned with the law, as the two previous speakers were, I want to say that I think this is one of the most constructive bills presented to the House in this Session. I hope it will remedy an error that has existed in the deficiency judgment situation for many years. I hope the Members of the House will support this bill and vote for it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Lyons,	Rose, W. E.,
Allmond,	Gallagher,	Malloy,	Rosenfeld,
Auker,	Gates,	Marks,	Royer,
Baker,	Gerard,	Maxwell,	Rush,
Balthaser,	Gillan,	McClanaghan,	Sarge,
Baughner,	Gillette,	McClester,	Sarrafi,
Bentley,	Goodwin,	McDermott,	Scanlon,
Boles,	Greenwood,	McDowell,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McGrath,	Shaw,
Bower,	Gyger,	McIncosh,	Shaffer,
Bradley,	Habbyshaw,	McKinney,	Shepard,
Breth,	Haberen,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Sorg,
Burns,	Hare,	Meischiorre,	Stambaugh,
Burris,	Harkins,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stine,
Chervinak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	VanAllsburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Holland,	O'Connor,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	Jamec,	O'Neill,	Voorhees,
Dennison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Welss,
D'Ortona,	Keuehan,	Polen,	Welsh, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Frosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Elder,	Komorowski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Lelsey,	Reese, D. P.,	Woodring,
Finestone,	Leonard,	Reese R. E.,	Woodside,
Finnerty,	Lesko,	Regan,	Wright,
Fitz,	Levy,	Reynolds,	Yeakel,
Fleming,	Knoble,	Rhea,	Yester,
Fletcher,	Lichtenwalter,	Riley,	Young,
Flynn,	Longo,	Rooney,	Kilroy
Foor,	Lovett,	Rose, S.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR
COCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 382.

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein,

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out the entire title as follows:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Surplus Commodities Stamp plans therein,

and inserting in lieu thereof the following new title:

"Authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose providing for payment of such appropriations into a special fund in the State Treasury appropriating the money in such fund and authorizing the purchase of necessary insurance"

Amend Section 1, page 1, line 2, by striking out after the word "incorporated" the word "towns" and inserting in lieu thereof the word "town"; also same page, line 10, by inserting after the word "therewith" at the end of said line the following:

"For said purpose the county city borough incorporated town or township is hereby authorized to borrow money and incur indebtedness subject to constitutional limitations and may issue as evidence thereof registered or coupon serial bonds payable by such municipality within ten years from their issue and bearing interest at a rate not exceeding six per cent per annum payable annually or semi-annually and may negotiate the same for the purpose of raising the money necessary to carry out the provisions of this act and said political subdivisions may levy and collect taxes on all taxable property in said subdivisions for the purpose of paying any bonded indebtedness which may be incurred as herein provided"

Amend Section 2, page 2, by striking out all of lines 1 to 12 inclusive, as follows:

"Section 2 The sums appropriated by the several counties cities boroughs incorporated towns and townships may be deposited in one fund in the name of trustees designated by the Secretary of the Department of Public Assistance Said trustees shall use the fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government Upon withdrawal of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plan such county city borough incorporated town or township shall be reimbursed from the fund to the full extent of its contributions"

and inserting in lieu thereof the following new sections:

"Section 2 All moneys so appropriated shall be paid into the Surplus Commodities Stamp Fund of the State Treasury through the Department of Revenue and the Secretary of Public Assistance shall use such fund for the purchase of Federal Surplus Commodities Stamps from the Federal Government which stamps shall be sold to persons eligible to receive same in accordance with

Federal Surplus Commodities Stamp Plans All moneys received from the sale of such stamps and all moneys received from insurance covering losses of such stamps or the proceeds from the sale of such stamps shall be paid into the said fund and shall be used for the further purchase of Federal Surplus Commodities Stamps Upon notice of withdrawal to the Secretary of Public Assistance of any county city borough incorporated town or township from further participation in the Federal Surplus Commodities Stamp plans such county city borough incorporated town or township shall be reimbursed by the Secretary of Public Assistance from the fund to the full extent of its contributions All moneys whatsoever paid into said fund are hereby specifically appropriated to the Department of Public Assistance for the purposes hereinbefore set forth

Section 3 The Department of Public Assistance shall have the power to purchase through the Department of Property and Supplies such insurance as may be deemed necessary to protect it against loss in the handling of Federal Surplus Commodities Stamps or the proceeds from the sale thereof The costs of such insurance shall be paid out of appropriations to the Department of Public Assistance for assistance local administration et cetera"

Amend Section 3, page 2, line 13, by striking out after the word "Section" the figure "3" and inserting in lieu thereof the figure "4".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Lovett,	Rose, S.,
Allmond,	French,	Lyons,	Rose, W. E.,
Auker,	Gallagher,	Malloy,	Rosenfeld,
Baker,	Gates,	Marks,	Royer,
Balthaser,	Gerard,	Maxwell,	Rush,
Baughner,	Gillan,	McClanaghan,	Sarge,
Bentley,	Gillette,	McClester,	Sarra,
Bentzel,	Goodwin,	McDermott,	Scanlon,
Boles,	Greenwood,	McDowell,	Schwab,
Boney,	Gross,	McFall,	Serrill,
Boorse,	Gryskewicz,	McGrath,	Shaffer,
Bower,	Gyger,	McIntosh,	Shaw,
Bradley,	Habbvshaw,	McKinney,	Shepard,
Breth,	Haberlin,	McLanahan,	Simons,
Brown,	Haines,	McLane,	Skale,
Brunner, C. H.,	Hall,	McMillen,	Sollenberger,
Brunner, P. A.,	Hamilton,	McSurdy,	Sorg,
Burns,	Hare,	Melchiorre,	Stambaugh,
Burris,	Harkins,	Modell,	Stank,
Cadwalader,	Harmuth,	Monks,	Stine,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Muir,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Munley,	Trout,
Cook,	Hersch,	Nagel,	Turner,
Cooper,	Hewitt,	Nunemacher,	Van Allsburg,
Cordier,	Hirsch,	O'Brien,	Verona,
Corrigan,	Folland,	O'Connor,	Vincent,
Croop,	Huntley,	O'Dare,	Vogt,
Cullen,	Imbrie,	O'Mullen,	Voldow,
Dalrymple,	James,	O'Neill,	Voorhees,
Deunison,	Jefferson,	Owens,	Wagner,
DiGenova,	Jones, G. E.,	Petrosky,	Watkins,
Dix,	Jones, P. N.,	Pettit,	Weingartner,
Dolon,	Keenan,	Polaski,	Weiss,
D'Ortona,	Kenehan,	Polen,	Weish, E. B.,
Duffy,	Kline,	Powers,	Welsh, M. J.,
Early,	Knoble,	Prosen,	Williams,
Eckels,	Kolankiewicz,	Rank,	Winner,
Eider,	Komorofski,	Rausch,	Wolf,
Elliott,	Krise,	Readinger,	Wood, L. H.,
Ely,	Lee, T. H.,	Reagan,	Wood, N.,
Falkenstein,	Leisey,	Reese, D. P.,	Woodring,
Finestone,	Leonard,	Reese, R. E.,	Woodside,
Finnerty,	Lesko,	Regan,	Wright,
Fiss,	Levy,	Reynolds,	Yeakel,
	Leydic,	Rhea,	Yester,

Fleming, Fletcher, Flynn,	Lichtenwalter, Longo,	Riley, Rooney,	Young, Kilroy, Speaker
---------------------------------	--------------------------	-------------------	---------------------------

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILL No. 124 TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 124, together with the message from the Senate which was laid on the table be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 124.

An Act to amend the title and the act approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "An act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business, papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines, and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder and making appropriations," by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase by giving certain additional rights to producers' and farmers' unions or organizations producing milk setting up a price fixing procedure restricting powers of the Governor and providing for the payment of funds in the hands of the commission owing to producers and handlers.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 3, line 1, by inserting after the word "purchase" the following: "authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers employes and agents to administer oath providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employes of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearing and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses or the right to apply for a license or for refusal to transfer licenses stating the effect of service by registered mail when the addressee refuses to accept or receive such mail enlarging requirements of milk dealers or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers increasing the scope of regulation of subdealers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of providing invalidity or partial invalidity of any order defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them;" also in line 2, by inserting after the word "to" the words "cooperatives and"; also in line 3, by striking out after the syllable "tions" the word "production" and inserting in lieu thereof "of producers"; also in same line by inserting after the word "milk" the words "further regulating and imposing duties on milk dealers or handlers"; also in line 4, by inserting after the word "governor" the following: "prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies."

Amend Section 1, page 5, line 4, by inserting after the word "hearings" the words "by the commission or special agents or examiners"; also in line 9, by inserting after the word "adopt" the words "publish and serve"; also in same line, by inserting after the word "orders" the words "and prescribing the effect thereof"; also in line 10, by inserting after the word "compacts" the words "providing for the competency of certain statistical testimony and data"; also in line 17, by inserting after the word "handlers" the words "and to photograph photostat mark or stamp for identification books and papers examined"; also on page 6, line 18, by inserting after the word "Consumer" light faced brackets before and after the word "mean" and inserting the word "means"; also in same line by inserting after the word "person" the words "natural corporate or governmental"; also in line 19, by striking out after the word "for" the words "his own"; also in same line by inserting after the word "use" the words "by himself or others".

"Cooperative" means a cooperative agricultural association or corporation of producers organized under the laws of this Commonwealth or of any other state and engaged in making collective sales or in the marketing of milk for producers under contract with it A cooperative shall not be deemed a milk dealer or handler but shall be deemed a producer except as otherwise provided herein

also on page 6, by striking out beginning with line 26 the following:

"Milk Dealer" or "Handler" means any person including any store or subdealer or subhandler as hereinafter defined who on his own behalf or on behalf of others purchases or receives within the Commonwealth milk from producers association of producers or other handlers who handles milk within the Commonwealth for sale shipment marketing storage processing manufacture consignment or brokerage whether as owner consignee consignor bailee bailor buyer seller broker or factor A producer who delivers milk to a milk dealer or handler only shall not be deemed a milk dealer or handler A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer or handler but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer or handler as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers or handlers and others; also on page 8, by inserting after the word "dealers" the words "or handler"; also in line 7, by inserting after the word "subdealer" the words "or subhandler"; also by inserting after the word "purchases" the words "or receives"; also in line 8, by inserting after the word "handles" the words "on consignment or otherwise"; also in line 10, by inserting after the word "Commonwealth" the words "whether on behalf of himself or others or both"; also in line 11, by inserting after the word "dealer" the words "or handler"; also by inserting after the word "dealer" the following: "or handler"; also in line 18, by inserting after the syllable "poration" the following: "If a cooperative"; also in same line by inserting after the word "distributes" the words "or makes available on consignment or otherwise"; also in line 20, by inserting after the word "dealer" the words "or handler"; also in line 22, by inserting a light faced bracket before the word "And"; also in line 23, by inserting a light faced bracket after the word "That"; also in same line by inserting a light faced bracket before the word "agricultural"; also in line 24, by inserting a light faced bracket after the syllable "poration"; also in line 26, by inserting after the word "sell" the words "or make available on consignment or otherwise"; also in line 27, by inserting after the word "dealers" the word "handlers"; also on page 9, line 15, by striking out after the word "he" the word "acquired" and inserting in lieu thereof the words "purchased or acquired"; also in line 21, by striking out after the word "article" the word "of" and inserting in lieu thereof the word "or"; also on page 10, line 29, by striking out after the word "manufacture" the words "of food products made from or with milk"; also on page 13, line 4, by striking out after the word "rules" the word "and"; also on page 15, line 6, by inserting after the word "inspect" the words "photograph photostat"; also on page 17, line 8, by inserting after the syllable "chased" the words "or acquired"; also in line 13, by inserting after the word "milk" the following: "not exceeding two gallons to any one consumer in any one day"; also on page 19, line 2, by inserting after the word "applicant" the following: "or may suspend or revoke the right of a licensee or former licensee to apply for a license for a new license period"; also in line 17, by inserting after the word "week" the words "two weeks"; also in line 18, by striking out after the word "than" the following: "[two weeks] three months," and inserting in lieu thereof the following "[two] four weeks"; also on page 22, by striking out the following: "(12) Has previously been refused a license or has previously held a license that the commission revoked or that the commission suspended and the event upon which the suspension of the license would terminate under the order has not occurred (13)"; and inserting at the beginning of line 11,

the figure "(12)"; also by inserting after the word "rejected" in line 20, the following:

(13) Has refused without reasonable cause to receive milk from a producer because it was not hauled to the milk dealer or handler by a hauler of the dealer's or handler's choosing or because it was hauled to the dealer or handler by a producer or a hauler of a producer's or cooperative's choosing providing that such producer or hauler has adequate facilities and equipment for hauling and is delivering or is ready able and willing to deliver milk to the plant of such dealer or handler in proper condition and at the times necessary to coincide with the current schedule of plant operations of the dealer or handler; also on page 24, line 12, by inserting after the word "butter" the words "to be marked or ultimately sold as such"; also in line 14, by inserting after the word "of" the words "butterfat of"; also on page 26, line 13, by inserting after the word "dealer" the words "or handler"; also in same line by striking out after the word "or" the words "handler purchasing"; also on page 32, by inserting after the word "milk" in line 19, the following:

"A milk dealer or handler shall upon the request of a producers' or farmers' union having written authority from producers or of a cooperative supply it with the information required to be kept under Subsection (1) of Section 701 of this Article insofar as such information pertains to the milk produced by the stockholders members or patrons of such producers' or farmers' union or cooperative selling or supplying milk to such milk dealer or handler"; also on page 33 by inserting after the word "producer" the following: "and a reasonable return to the" also in same line, by inserting after the word "handler" the words "In ascertaining such returns the commission shall utilize a cross section representative of the average of normally efficient producers and dealers or handlers in the area"; also on page 24, line 22, by striking out after the word "herein" the words "the commission may receive as evidence on any subject material relevant to fixing any price or prices under this article" and inserting in lieu thereof the following: "the testimony of an expert statistician present at the hearing"; also in line 27, by striking out after the word "extent" the following: "that the treatise report or statistical data is approved and read aloud or the contents thereof made known by an expert witness at the hearing" and inserting in lieu thereof the following: "it is endorsed as reliable by an expert witness present at the hearing shall be competent evidence on any subject material to fixing any price under this article"; also on page 35, by inserting after the word "producers" in line 13, the following:

"Whenever an order of the commission fixing prices is remitted to the commission with directions to reform the findings or order in accordance with the opinion of the court and no further appeal is taken by the commission the commission shall make such reformation within thirty days from the entry of the order of the court remitting the price fixing order to the commission."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Lyons,	Rosenfeld,
Allmond,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gerard,	McClanaghan,	Sarra,
Baughner,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Boorse,	Gryskewicz,	McIntosh,	Shepard,
Bower,	Gyger,	McKinney,	Simons,
Bradley,	Habbyshaw,	McLanahan,	Skale,

Breth,	Haberlen,	McLane,	Sollenberger,
Brown,	Haines,	McMillen,	Sorg,
Brunner, C. H.,	Hall,	McSurdy,	Stambaugh,
Brunner, P. A.	Hamilton,	Melchiorre,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Tarr,
Cadwalader,	Harmuth,	Mooney,	Tate,
Chervenak,	Harris,	Moran,	Thompson, E. F.,
Chudoff,	Heatherington,	Moul,	Thompson, R. L.,
Cochran,	Helm,	Muir,	Trout,
Cohen, M. M.,	Hering,	Munley,	Turner,
Cohen R. E.,	Herman,	Nagel,	Van Allsburg,
Cook,	Hersch,	Nunemacher,	Verona,
Cooper,	Hewitt,	O'Brien,	Vincent,
Cordier,	Hirsch,	O'Connor,	Vogt,
Corrigan,	Holland,	O'Dare,	Voldow,
Croop,	Huntley,	O'Mullen,	Voorhees,
Cullen,	Imbrie,	O'Neill,	Wagner,
Dalrymple,	James,	Owens,	Watkins,
Dennison,	Jefferson,	Petrosky,	Weingartner,
DiGenova,	Jones, G. E.,	Pettit,	Weiss,
Dix,	Jones, P. N.,	Polaski,	Welsh, E. B.,
Dolon,	Keenan,	Polen,	Welsh, M. J.,
D'Ortona,	Kenahan,	Powers,	Williams,
Duffy,	Kilne,	Prosen,	Winner,
Early,	Knoble,	Rank,	Wolf,
Eckels,	Kolankiewicz,	Rausch,	Wood, L. H.,
Elder,	Komorowski,	Readinger,	Wood, N.,
Elliott,	Krise,	Reagan,	Woodring,
Ely,	Lee, T. H.,	Reese, David P.,	Woodside,
Falkenstein,	Leisey,	Reese, R. E.,	Wright,
Finestone,	Leonard,	Regan,	Yeakel,
Flannerty,	Lesko,	Reynolds,	Yester,
Flss,	Levy,	Rhea,	Young,
Fleming,	Leydic,	Riley,	Kilroy,
Fletcher,	Lichtenwalter,	Rooney,	Speaker.
Flynn,	Longo,	Rose, S.,	
	Lovett,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON-CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 404, entitled:

An Act relating to marriage and amending, revising, consolidating and changing the law relating thereto.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 404

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. READINGER, MCINTOSH and ECKELS.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 107

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 107, Printer's No. 742, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

COMMUNICATION AND BILL LAID ON TABLE

Mr. PRESLEY N. JONES. Mr. Speaker, I move that the communication from the Governor, together with the bill be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 525

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 525, Printer's No. 545, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. NAGEL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HAMILTON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Beaver, Mr. Nagel, vote on the final passage of this bill?

Mr. NAGEL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Beaver, Mr. Hamilton, vote on the final passage of this bill?

Mr. HAMILTON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. NAGEL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. NAGEL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

Mr. SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 803, page 65, line 24 by striking out

after the word "Section" and before the word "absolutely" the following: "[5021]"; and inserting in lieu thereof the following: "520".

Amend section 803, page 73, line 15 by striking out after the word "Sections" and before "2702" the following: "[2446 and 2447]".

Amend section 803, page 73, line 16 by striking out after "3251" and before the word "and" the following: "[3253]"; and inserting in lieu thereof the following: "3252".

Amend section 803, page 73, line 23 by striking out at the beginning of the line the word: "[Section]"; and inserting in lieu thereof the word: "Sections".

Amend section 803, page 73, line 23 by inserting after "1707" and before the word "of" the following: "2446 and 2447 absolutely and Section 2502 in so far as the same limits the maturity of bonds".

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 717

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 717, Printer's No. 348, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. CHARLES H. BRUNNER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. LLOYD H. WOOD. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Montgomery vote on the final passage of this bill?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Montgomery vote on the final passage of this bill?

Mr. LLOYD H. WOOD. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. CHARLES H. BRUNNER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. CHARLES H. BRUNNER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 2, page 3, line 23, by inserting after the word "prosecution" the following: "or investigation".

Amend Sec. 2, page 3, line 27, by striking out the word "or" and inserting in lieu thereof the following: "of."

Amend Sec. 3, page 4, line 21, by inserting after the word "prosecution" the following: "or investigation".

Amend Sec. 3, page 4, line 27, by inserting after the word "court" at the end of said line, the following: "The court may admit the witness to bail by bond with or without surety and in such sum as it deems proper conditioned for his appearance before it at a time specified in such bond".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 960

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 6, 1941.

To the Honorable the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 960, Printer's No. 361, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

RECONSIDERATION OF VOTE

Mr. LICHTENWALTER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. TURNER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Lehigh, Mr. Lichtenwalter, vote on the final passage of this bill?

Mr. LICHTENWALTER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Delaware, Mr. Turner, vote on the final passage of this bill?

Mr. TURNER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. LICHTENWALTER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. LICHTENWALTER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 10 of the title, by inserting after the word "thereof" and before the word "making" the following: "by further defining sausage."

Amend page 1, line 13 of the title, by inserting after the word "powers" and before the word "on" the following: "and duties."

Amend section 2 (section 5), page 4, line 18 by inserting at the end of the line the following: "and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1126.

An Act to further amend part of section three hundred and two to amend section three hundred and seven and part of section fifteen hundred and one of the act ap-

proved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government, providing for the settlement, assessment, collection and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department, board, commission and officer of the State government, every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay, assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor

of the Commonwealth," establishing the Surplus Commodities Stamp Fund and authorizing the State Treasurer to disburse money from said fund upon requisition of the Secretary of Public Assistance

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS INTRODUCED AND REFERRED

By Mr. GERARD.

HOUSE BILL No. 1831.

An Act to further amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics, as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," by directing the Department of Health to maintain branch offices in counties of the second class for the filing of death certificates; authorizing such offices to issue certified copies of death certificates and make searches of their files; imposing additional duties upon local registrars in such counties; and prescribing fees.

Referred to the Committee on State Government.

By Messrs. WILLIAMS and WRIGHT.

HOUSE BILL No. 1832.

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania.

Referred to the Committee on Appropriations.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair welcomes to the House this evening a former member from Northampton County, Mr. Edgar J. Balliet.

CONGRATULATORY RESOLUTIONS

Messrs. IMBRIE and HELM offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

Somewhat less than half a century ago there was born on June 9th, in Grove City, Pennsylvania, the Honorable Albert B. McClester, now a member of this House from the County of Butler.

Albert, during the years which have since elapsed, has lived an unusually active and varied life being successively and successfully a teacher, banker, soldier and legislator, and needless to say through all this a Scotchman.

Nevertheless, during his otherwise eventful career, he has never taken unto himself a helpmate to share his joys and sorrows; a situation which many feel should be particularly called to his attention on this day which

marks another milestone on his journey through life; now therefore be it

Resolved, That we the members of the House of Representatives extend our heartiest congratulations to the Honorable Albert B. McClester on this the anniversary of his birth, and not only wish him many happy returns of the day, but also hope that this day will again be celebrated here with us numerous times in the future; and be it further

Resolved, That in conjunction with our observance of the aforesaid birthday we feel in our hearts a sentiment which can be best expressed in the following lines written by Senator Jacob W. Carr and dedicated to the Honorable Albert B. McClester:

PRINCE ALBERT

Prince Albert was a gay old dog,
Some fifty years ago;
The ladies they all gathered round
When he put on his show.

Prince Albert is quite different now
And comes within a can,
To fill the pipe and cheer the heart
Of any lonely man.

But we are gathered here today
To celebrate the birth
Of Albert B. the best of all
The Alberts now on earth.

This Albert still is single,
But why we do not know,
For men like him, on bushes wild,
We've never found to grow.

But give him time and we are sure
That he will make the grade,
And prevent some blushing beauty
From becoming an old maid.

So, Albert, here's a toast to you.
While here we celebrate,
We hope you'll not much longer bear
A lonely bachelor's fate.

For somewhere in this vale of tears
A lonely lass must live,
Who'd only be too glad to you
Her heart and hand to give.

So wake up, man, and look around
Among the beauties rare,
There's surely one who'd be right glad
Your hearth and home to share.

and be it further

Resolved, That as a lasting souvenir of this particular birthday, a copy of this resolution shall be prepared and transmitted to the Honorable Albert B. McClester by the Chief Clerk of this House.

The SPEAKER. The Chair recognizes the gentleman from Butler, Mr. McClester.

Mr. McCLESTER. Mr. Speaker, I do not know whether that was condolence or congratulation. Can the Chair inform me?

The SPEAKER. It is congratulations.

Mr. McCLESTER. Mr. Speaker, well, it sounded for a while like it was condolence. I do not believe I need any of that.

The SPEAKER. The gentleman is too young for condolences.

Mr. McCLESTER. Mr. Speaker, that is just what I was going to say. I have been getting along fine so far. All I want to say is—

The SPEAKER. The gentleman is not over the hill yet.

Mr. McCLESTER. How do you know? I was going to make a motion that the resolution be expunged from the record, and I would even go so far as to second the motion myself, but I do not suppose I could get by with it. I thank you for the compliment.

CONGRATULATORY RESOLUTION

Messrs. SARRAF, BENTLEY and BAKER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

The attention of the House is called to the fact that the Honorable Daniel A. Verona, our member from the County of Allegheny, today celebrates his 27th birthday.

Daniel Verona was born in the City of Pittsburgh, and has led an active and varied life. He has achieved prominence in public life while still comparatively young, and has already exhibited political sagacity and acumen worthy of his father, who was one of the most able political leaders of the Commonwealth. Undoubtedly, the future has great things in store for this able and popular member of the House; therefore be it

Resolved, by the members of the House, That we extend to the Honorable Daniel A. Verona our warmest and heartiest congratulations upon this the anniversary of his natal day, and that we wish for him many more similar observances here with us; and be it further

Resolved, That a copy of this resolution shall be transmitted by the Chief Clerk of this House to the Honorable Daniel A. Verona.

Mr. SARRAF. Mr. Speaker, Danny is out actively engaged in ceremonies tonight connected with his birthday celebration.

The SPEAKER. Does the gentleman from Allegheny, Mr. Sarraf, wish to ask for a leave of absence for the gentleman from Allegheny, Mr. Verona, for tomorrow's session?

Mr. SARRAF. Mr. Speaker, as his private physician, I think I will be able to get him up here tomorrow.

CONGRATULATORY RESOLUTION

Messrs. KENEHAN, BOIES, McLANE, MELCHIORRE, O'BRIEN, O'NEILL and REGAN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

Whereas, today marks the 13th anniversary of the time the Honorable Robert W. Munley of this House entered into the bonds of matrimony with Marian Munley; and

Whereas, as he is a statesman, so as a husband, Bob Munley is in a class by himself; and

Whereas, This fortunate and happy couple has been blessed with two children, boys, namely, James and Robert; and

Whereas, The entire Munley family is today visting Harrisburg so that they can observe the House of Representatives in its august and sober meditations; be it therefore

Resolved, That the House of Representatives congratulates the Honorable Robert W. Munley and his wife on this, their 13th wedding anniversary, and wishes them many more and prosperous anniversaries to come; and be it further

Resolved, That the Chief Clerk mail a copy of this resolution to the happy couple.

Mr. O'BRIEN. Mr. Speaker, I was wondering if it would be wise to have Mrs. Munley speak for Mr. Munley. She is here and she is the one who usually does the talking.

The SPEAKER. This is the one chance the gentleman from Lackawanna gets to talk. Of course, the Chair cannot permit the lady to talk here.

CONGRATULATORY RESOLUTION

Messrs. CHUDOFF and VOLDOW offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 9, 1941.

Whereas, Mrs. Rosalie Rose, wife of the Honorable Samuel Rose, a member of this House is now receiving hospital care at the University of Pennsylvania Hospital at Philadelphia; and

Whereas, It is not often realized that in addition to the serious duties imposed on the members of this House, they are at the same time confronted with the necessity of providing for, worrying about and carrying out obligations to their families; and

Whereas, It is with heavy hearts that members of this body are often forced to discharge their obligation to the people of this Commonwealth; therefore be it

Resolved, That this House of Representatives wishes Mrs. Rose an immediate and successful recovery from her illness and that the Chief Clerk be directed to submit a copy of this resolution to Mrs. Rose as an expression of its feeling and to speed her recovery.

The SPEAKER. The Chair wishes to inform the Members that he has received a letter from Mrs. Samuel Rose, which reads as follows:

June 9, 1941.
Philadelphia, Pa.

Honorable Elmer Kilroy,
House of Representatives,
Harrisburg, Penna.
Dear Elmer:

I want to take this opportunity to extend through you to the Philadelphia Democratic members of the House my sincere thanks and appreciation for the beautiful flowers you sent to me at the Hospital and for the kind wishes expressed by the Philadelphia Delegation.

I am pleased to inform you that I am recovering and soon expect to be out aiding my husband to roll up a Democratic victory in November.

Please see that my husband does not engage in the activities which Mr. Cummings has been writing about in the Inquirer.

Sincerely,

MRS. SAMUEL ROSE.

Mr. SAMUEL ROSE. Mr. Speaker, I just want to say for the information of the Members of the House that my wife is not thinking about my extra curricular activities, but she is thinking about the extra curricular activities of some of my colleagues that she has heard so much about.

Mr. REUBEN E. COHEN. Mr. Speaker, I just want to say that last week I took the gentleman from Philadelphia down to the hospital and he promised me then on his way there he would try to live up to the admonition of the gentleman from Philadelphia, who represents the Philadelphia Inquirer. He was very thankful to the Members of the House and he was willing to go home last week early enough to go into consultation.

QUESTION OF INFORMATION

Mr. FLYNN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Sullivan will state his question of information.

Mr. FLYNN. Mr. Speaker, I would like to know who is going to chaperon the gentleman from Philadelphia, Mr. Rose.

The SPEAKER. The Chair appoints the gentleman from Sullivan, Mr. Flynn.

CONGRATULATORY RESOLUTION

Mr. McFALL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 9, 1941.

Whereas, on June 9, 1880, a certain Member of this House first saw the light of day in his home in Danville, Montour County; and

Whereas, a few minutes thereafter he began milking, and has from that time up until the present so perfected his technique that he is one of the leading "milkers" in his county; and

Whereas, today he is an authority on all rural problems including that uncontroversial one relating to milk control; and

Whereas, today he is the owner of the home in which he first entered this vale of tears and a statesman of no mean stature; be it therefore

Resolved, That the House of Representatives congratulates the Hon. Walter J. Vincent on his 61st birthday and wishes him many happy returns of the day.

The SPEAKER. The Chair recognizes the gentleman from Montour, Mr. Vincent.

Mr. VINCENT. Mr. Speaker, yes, I am sixty-one years old today, so my father and mother tells me. I am a little bit wiser too, I think. They tell me that the first sixty years are always the hardest, but I have found out that in my sixty-first year I have derived a lot of pleasure. I have been associated with a lot of lawyers, farmers, doctors, newspaper editors and salesmen and I have received a lot of pleasure out of them. They put up a great show. As Barnum used to say, "There is a sucker born every minute."

Mr. Speaker, it has been a great pleasure to be with you, and from now on I think the next sixty years is going to be Oh, just grand.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, June 9, 1941.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week, it reconvene on Monday, June 16, 1941, at 3:30 o'clock p. m. (Eastern Standard Time), and when the House of Representatives adjourns this week, it reconvene on Monday, June 16, 1941, at 8:00 o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?
It was unanimously concurred in.
Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE MEETINGS

Cities—1st class, Tuesday, June 10 at 11 a. m., in Room 521.

Judiciary General, Tuesday, June 10 at 10 a. m., in Room 246.

Motor Vehicles, Tuesday, June 10 at 11 a. m., in Room 324. All members required to be present.

Townships, Tuesday, June 10 at 10 a. m. in Room 329.

PUBLIC HEARING

The Committee appointed to investigate the Department of Health and the Bureau of Vital Statistics will hold a public hearing in the New House Caucus Room on Tuesday, June 10th, 1941 at 9:00 a. m., Eastern Standard Time.

ADJOURNMENT

Mr. EARLY. Mr. Speaker, I move that this House do now adjourn until Tuesday, June 10, 1941, at 12 m.

The motion was agreed to, and (at 11:18 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., TUESDAY, JUNE 10, 1941.

No. 68.

SENATE

TUESDAY, June 10, 1941

The Senate met at 11:00 o'clock, a. m. E. S. T.

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The Chaplain, Rev. BURLEIGH A. PETERS, offered the following prayer:

Our Gracious Heavenly Father, unto whom all hearts are open and all desires are known, we are thankful for the rest of the past night, Thy watchful care over us in sleep and that Thou hast brought us into this new day possessing the right use of all our faculties.

For the service of another day therefore, Our Father, we acknowledge Thee as our benefactor. Grant us the wise use of our lives this day and the helpful use of all our influences upon others. We know not what a day may bring forth but with a definite faith in Thee we need not be afraid.

Do Thou kindly remember our friend, Senator McGinnis, in these hours when he must be in yonder institution of mercy. Do Thou alleviate his pain and discomfort through the helpfulness of Thy presence in his heart and, if it be Thy will, bring him again to health and strength.

And now in the Session of this Senate this day, may truth prevail and everything contrary to Thy will be confounded, that Thy purpose in government may be rightfully fulfilled. For Jesus' sake. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SCARLETT and Mr. GELTZ, the further reading was dispensed with, and the Journal was approved.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 124

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 124. entitled:

An Act to reenact and amend the title and the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "Milk Control Law," by substituting the term "handler" for the term "milk dealer;" defining the terms "handle" and "handler;" extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase and by giving certain additional rights to producers' and farmers' unions or organizations producing milk.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 382

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 382, entitled:

An Act authorizing counties, cities, boroughs incorporated towns and townships to appropriate money for the establishment or continuance of Federal Food Stamp plans therein.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 404, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists on its non-concurrence in Senate amendments to House Bill No. 404, entitled:

An Act relating to marriage; and amending, revising, consolidating and changing the law relating thereto.

and has appointed Messrs. Readinger, McIntosh and Eckels, as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

SENATE INSISTS UPON ITS AMENDMENTS NON-CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 404, AND APPOINTS COMMITTEE OF CONFERENCE

Mr. EALY. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House of Representatives (already appointed) to consider the differences existing between the two houses in relation to said bill.

Mr. GELTZ. Mr. President, I second the motion. The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Walker, Crowe and Stiefel, be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE
SENATE BILL No. 588 RETURNED
WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 588, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

MOTION THAT SENATE CONCUR IN AMENDMENTS
BY HOUSE TO SENATE BILL No. 588

Mr. COX. Mr. President, I move that the Senate concur in the amendments of the House to Senate Bill No. 588.

Mr. RUTH. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. EALY. Mr. President, as I understand the motion of the gentleman from Allegheny it was that the Senate concur in the amendments by the House to Senate Bill No. 588. We do not know what those amendments are and I personally would like to see the amendments.

MOTION WITHDRAWN

Mr. COX. Mr. President, if the Senator from Somerset wishes to postpone action I will be glad to withdraw my motion.

Mr. RUTH. And I withdraw the seconding, Mr. President.

SENATE BILL No. 588, (HOUSE BILL No. 1406),
LAID ON THE TABLE

Mr. COX. Mr. President, I move that Senate Bill No. 588, (House Bill No. 1406), with amendments, be laid on the table.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

SENATE BILL No. 507, (HOUSE BILL No. 1385),
TAKEN FROM TABLE

Mr. EALY. Mr. President, I move that Senate Bill No. 517, (House Bill No. 1385), be taken from the table.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

SENATE INSISTS UPON ITS NON-CONCURRENCE IN
AMENDMENTS MADE BY THE HOUSE TO SENATE
BILL No. 507, (HOUSE BILL No. 1385)

Mr. EALY. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments made by the House to Senate Bill No. 507, (House Bill No. 1385), entitled:

An Act to apportion the State into congressional districts.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

CONFERENCE COMMITTEE APPOINTED

The PRESIDENT. The President Pro Tempore has appointed Messrs. Wade, Taylor and Mundy, as a Committee of Conference to confer with a similar committee of the House (if the House of Representatives shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

COMMUNICATIONS

The PRESIDENT. The Chair is in possession of communications from several members of Congress, in response to resolution introduced by the gentleman from Blair, which was adopted by the Senate last week. The gentleman from Blair, Mr. Mallery, requests that the several communications be spread upon the Journal.

If there is no objection it is so ordered.

FEDERAL BOARD OF HOSPITALIZATION,
WASHINGTON, D. C.

May 28, 1941.

Secretary,
Senate of Pennsylvania
Harrisburg, Pennsylvania.

My Dear Mr. Holmes:

I have your letter of May 23rd transmitting a resolution adopted by the Senate of Pennsylvania urging the construction of a veterans' hospital in central Pennsylvania.

I shall be glad to bring this resolution to the attention of the Sub-committee of the Federal Board of Hospitalization which was appointed with reference to the matter of the location of the new Veterans' Administration facility for Pennsylvania.

Very truly yours,

FRANK T. HINES,
Chairman.

OFFICE OF THE MAJORITY WHIP
House of Representatives,
Washington, D. C.

June 9, 1941.

Mr. George F. Holmes, Secretary,
Senate of Pennsylvania,
Harrisburg, Pennsylvania.

My Dear Mr. Holmes:

Thank you for your letter of May 23 together with copy of resolution adopted by the Pennsylvania State Senate on May 21.

I fully agree with Senator Mallery's suggestions, and you can assure him that he has my entire cooperation in his worthy objective.

Very truly yours,

PATRICK J. BOLAND,
Majority Whip.

CONGRESS OF THE UNITED STATES
House of Representatives,
Washington, D. C.

June 4, 1941.

Mr. George F. Holmes,
Secretary, Senate of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Sir:

This will acknowledge your letter of May 28th enclosing a resolution of the Pennsylvania State Senate adopted

Wednesday, May 21, which resolution was sponsored by Senator Charles R. Mallery.

I wish to thank you for having forwarded it to me and I will see that it reaches the proper destination.

With best wishes, I am,

Cordially yours,

LOUIS E. GRAHAM.

CONGRESS OF THE UNITED STATES

House of Representatives,

Washington, D. C.

June 2, 1941.

Dear Mr. Holmes:

Thank you for sending me a copy of the resolution adopted by the Pennsylvania State Senate, requesting that the Veterans Administration locate as quickly as possible a veterans hospital in central Pennsylvania to take care of sick and disabled war veterans.

Very truly yours,

JOSEPH A. McARDLE, M. C.

Mr. George F. Holmes, Sec.
Pennsylvania State Senate,
Harrisburg, Pa.

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 28, 1941.

George F. Holmes, Secretary
Senate of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Mr. Holmes:

This will acknowledge receipt of your letter of May 23rd, together with the enclosure. You can be assured that the same will receive my consideration.

Very truly yours,

CHAS. I. FADDIS

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 28, 1941.

George F. Holmes, Secretary
Senate of Pennsylvania,
Harrisburg, Pennsylvania.

Dear Mr. Holmes:

Please be assured of my appreciation for your courtesy in forwarding to me a copy of the resolution adopted by the Senate on Wednesday, May 21, 1941, with regard to federal hospitals within the commonwealth, Pennsylvania.

Thanking you, I am

Very truly yours,

J. WILLIAM DITTER

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 28, 1941.

Mr. George F. Holmes, Secretary
Senate of Pennsylvania,
Harrisburg, Penna.

Dear George:

This is to acknowledge receipt of your letter of May 23rd and resolution adopted by the Pennsylvania State Senate.

I am very glad to have this document, and for your information will state that I am absolutely in accord with the contents of same and am exerting every effort to

secure hospital facilities in the central part of the State.

Sincerely yours,

ROBERT F. RICH

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 28, 1941.

Mr. George F. Holmes, Sec.
Senate of Pennsylvania,
Harrisburg, Pa.

Dear Sir:

In this line permit me to acknowledge receipt of your recent letter enclosing resolution recently adopted by the Pennsylvania State Senate, sponsored by Senator Mallery.

Thanking you, I am,

Very truly yours,

JAMES WOLFENDEN

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 29, 1941.

Mr. George F. Holmes, Secretary
Senate of Pennsylvania
Harrisburg, Pennsylvania

Dear Mr. Holmes:

Thank you for your letter of May 23 with copy of resolution adopted by the Pennsylvania State Senate for a Veterans Hospital in Central Pennsylvania.

It has been my pleasure to work for a number of months in support of the Schwab Estate at Loretto as the most desirable site for a Veterans Hospital. I shall continue to do everything within my power to bring about this plan.

I am

Sincerely yours,

HARVE TIBBOTT

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D. C.

May 29, 1941.

Mr. George F. Holmes, Sec.,
Senate of Pennsylvania,
Harrisburg, Pa.

Dear Mr. Holmes:

I have your communication of the 23rd inst. enclosing copy of resolution adopted by the Pennsylvania State Senate urging Congress to locate as quickly as possible a veterans' facility in the central part of Pennsylvania.

I have been active in the program to establish such a hospital and am thoroughly in accord with the sentiments expressed in the resolution.

Sincerely yours,

IVOR D. DENTON

PERMISSION TO ADDRESS SENATE

Mr. EDMONDS. Mr. President, I ask unanimous consent to make a brief statement.

The PRESIDENT. The gentleman from Montgomery may proceed.

Mr. EDMONDS. Mr. President, tonight it will be two weeks since the President of the United States addressed the American people, and it seems to me that some of the repercussions of that address have a direct bearing upon the problems that are before this General Assembly.

Speaking generally, we have a complicated scheme

of government. From the point of view of international affairs, we are a unity; from the point of view of constitutional law, we are a duality—the federal government and the state government, both of which have their rights; from the point of view of practical administration, it is a trinity—federal, state and local government, and the interaction of these three is most important on the life of our people.

Ordinarily I do not like to bring federal subjects into the sphere of the General Assembly, but where federal subjects touch upon the life of the state, it seems to me we can not omit them from consideration.

Now, Mr. President, in the address of two weeks ago, the President of the United States laid down three propositions, the first of which was that all of the effort of the American people should be devoted toward placing this country in a complete condition of defense under modern warfare. Back of that sentiment upon his part I think there is a practical unity of feeling in America. I have certainly met with no one who challenges the question that it is the duty of the American people to put themselves into a condition of defense as rapidly as possible.

The second proposition which the President laid down was that the sea lanes to Britain should be kept open. Upon that question there may be some dispute among the American people, some disunity in thought, and yet it seems clear to me that in so advocating, the President was in harmony with the established principles of the American people.

We have always stood for freedom of the seas and for the idea that our boats could go on the oceans wherever the owners desired to take them and they were not free for attack by belligerents. Under those circumstances, whether it be a convoy question or a patrol question, it is evident the American people eventually will find the policy which the President recommended is in harmony with the best traditions of the American people.

Now Mr. President, the third proposition the President laid down—the second proposition had to do with the keeping open of sea lanes—and the third proposition was that we should meet this as a united people. With that I also agree, but it seems to me the time has come for us to consider just how these things the President recommends will have a bearing upon the State of Pennsylvania, for which we ourselves are now legislating.

I was impressed last week with a chart which came from the National Industrial Conference Board, which in itself is so interesting I propose to place it in the office of the Secretary of the Senate, so that Senators desiring to examine it at leisure will have opportunity to do so.

In a general way, the blue line shows the national income, the red line shows the amount of the national income that is spent upon war appropriations. The first country is the United States; the second country is Germany; the third country is the United Kingdom; the fourth country is the British Dominions and the fifth country is Canada.

What does that show? National income means the sum of all the incomes of all the people, all wages, salaries, dividends, interest, royalties, any forms of income that the methods of modern business have devised, and that total in the United States was estimated for the current year at eighty billions of dollars, of which, according

to the figures of the National Industrial Conference Board, ten billion dollars, or one-eighth, will be devoted to appropriations for arms.

How is it with the other nations? Germany, with an estimated national income for 1940 of forty billion dollars, spent from twenty-four to twenty-nine billion dollars on armament, and the United Kingdom, in the fiscal year 1940, which ends June 30, 1941, had a gross national income of twenty-eight billion dollars and spent fourteen billion dollars on armament. Canada, in the same period had an income of three billion seven hundred million dollars and spent nine hundred million dollars on armament.

In other words, the United States is spending twelve and one-half per cent of its national income, or \$77 per capita, on armament, where the united sentiment of the people supports rearming, whereas Germany is spending from sixty to seventy-two per cent of the national income, with a per capita, on a much lower standard of living, of from \$300 to \$363 per citizen.

The United Kingdom is spending fifty per cent of its national income on armament, with a per capita of \$298, and Canada, our near neighbor, is spending twenty-two per cent of its national income, as compared with our twelve and one-half per cent, or an average of \$74, on armament.

It is this comparison that suggests war is a more expensive business than ever before in the history of the nations, and what happened to Germany, Great Britain and Canada when they have engaged in war may justify the recent statement of the Honorable Jesse Jones, of the Reconstruction Finance Corporation, that before we have finished with this period, we will have more than doubled our national debt.

Now, Mr. President, the question arises as to the relationship of national income to war expenditures if war is declared, and it seems to me to be clear that all thinking men must contemplate the approach of war when we read in the newspapers today of the destruction of an American boat in the South Atlantic, and it seems to me, those of us that can remember 1916 and 1917, we will feel our blood running a little more strongly.

In 1918—that was the year of the World War—this country had a national income of \$38,000,000,000 and expended for war \$18,000,000,000, which you see was almost half the total income. Great Britain had a national income of \$10,700,000,000, expended for war \$13,896,000,000—\$3,000,000,000 more than the national income. France had an income of \$7,300,000,000 and expended for war \$10,671,000,000.

Both France and Great Britain, by expending more than the national income—and, of course, a portion of the national income had to be used by the recipients for living purposes—that increased their debt and the question arises as to the policy of nations in the past, as to the amount of war expenditures that can be raised from current taxation and the amount which must be borrowed. In the World War, the United States raised 25.9 per cent of its war cost by taxation; great Britain 24.7 per cent; France 15.4 per cent; Italy 14.9 per cent; Germany 11 per cent and Japan 62.2 per cent.

That has been the rule of the United States in all of the wars in which this country has engaged: 25 per cent from taxation and 75 per cent from borrowings.

The nations that increased their taxation in a period of war avoided inflation much better than those which failed to increase their taxation, and as we read the figures of France, Italy and Germany, you will all recall how soon France, Italy and Germany were in a condition where they had to revalue the complete set of assets they might have had because of the inflationary period.

In the United States we have always followed the practice, in times of war, of raising at least one dollar by taxation for every three dollars that was borrowed, and if we continue this ratio at the present time it may readily be anticipated how great the increase in federal taxation is bound to be. The question then arises as to how this situation will affect the income of Pennsylvania. It seems clear to me that there will be a decline in the cigarette tax, since we are exempting the tobacco sold to the camps for the use of soldiers. It is also clear to me that with limitations upon the use of automobiles in sight, and gasless Sundays in memory, there will be a decline in the gasoline tax.

I have also explained to the Senate my own point of view with reference to the corporate net income tax, which is that since a large proportion of the proposed increase of \$3,500,000,000 in federal taxes will fall upon corporations and firms by virtue of our law, wherein federal taxes are deducted before the base for the state tax is computed, it seems clear to me that there will be a decline in the corporate net income tax. Inheritance taxes have been on a decline for several years.

Under those circumstances, there is bound to be a serious curtailment in the estimated revenue for the state, and a wise study of budgetary conditions must recognize that this is no time for either extravagance or experimentation.

Now, Mr. President, we have not given sufficient time and study to the interaction of one form of our government upon another form. Personally I do not like the vocabulary that prevails in Washington, where they speak of various levels of government, and when they try to justify some particularly unreasonable action, they say it is the higher level interfering with the lower level. I do not regard these levels as a high level or a low level. They are all essential to the American method of life, and that means state government and local government must be maintained as well.

In recent years there has been a great expansion of federal government into taxing fields which were formerly reserved exclusively for the state. I regard that as a serious matter. It may be we can not control it, we can not ourselves well reverse an Act of Congress—that is impossible. However, we must recognize the fact that if that tendency continues it is going to impoverish seriously the sources from which the state must get revenue with which to conduct government, and local government also.

Now, Mr. President, under those circumstances it seems to me that the situation is one that requires our closest observation and our closest scrutiny, and we must do our best to see to it that in the development of the various strata of government, that the interaction is kept in such a way each may live and that each may live with adequate support.

I like very much what the President said in his address about unity. I understood that to mean there is

no power in the world that is greater than the power of a united people, all actuated by common motives and pursuing common ideals.

There are many here who will remember that period of 1917-1918 when the American people were united and were united with a strength and a determination that produced a glorious result.

At the present time, Mr. President, it seems quite clear to me that those who would have unity must give unity, and those who feel it is essential that the American people should unite in defense as a single body must also see to it that they deal justly with all groups of people.

As I see the situation there is no one who wants war. There is certainly no man who wants war who has ever seen what war is like; there is no one who saw young men perish on the field of battle who desire to see America enter into that experience again.

We sometimes have had to listen to what I regard as rather cheap poetry in this Senate. May I quote from what I consider a great poem. That is the inscription written by Henry VanDyke on the statue of General William T. Sherman, which stands at the entrance of Central Park, at 57th Street and Fifth Avenue, in New York City. There is stated an expression of what I think is the sentiment of us all:

"Hail to the soldier brave enough to tell
The glory-dazzled world that war is hell.
Heedless of fame he throws himself in strife
And rides through hell to save his nation's life."

That is a tribute of one great man to another great man, and that I think is the sentiment of the American people at the present time. But in addition to being patriots we must also watch these financial repercussions and I want to say, my friends, with all sincerity, that it will be a great mistake to suppose the additional taxes of the federal government will have no effect in Pennsylvania. They will reach every corner of Pennsylvania, they will reach every hamlet, its activities, its business, today, on the real estate tax, and it is up to each one of us to see to it that the harm that is done to our local and state institutions is as little as possible under the circumstances.

I thank you.

BILL RE-REFERRED

Mr. GELTZ, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1128, (House Bill No. 1424), entitled:

An Act prescribing the degree of care to be exercised by the driver of any vehicle at the crossing of a highway and a railroad or railway at grade, providing that the failure to stop shall not in itself constitute negligence or contributory negligence; and providing that the issue of negligence or contributory negligence in such case shall be a question of fact for the jury.

with the request that it be re-referred to the Committee on Judiciary Special, and it was so ordered.

QUESTION OF PERSONAL PRIVILEGE

Mr. CHAPMAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Warren will state his question of personal privilege.

Mr. CHAPMAN. Mr. President, Hitler and his force of mechanized troops, demons on any battlefield are on the move again. They have mopped up Crete and by airplane and by ship are moving on to the Asiatic Continent. Already the power of the Hitler Bombers has been felt in Egypt. How long will it be before Hitler renders the Suez Canal impotent and shuts off the British route to India and the East? How long will it be before the forces of General Wavell's in Egypt are rendered powerless by the expedient of shutting off their supplies. How long will it be before Dakar is held by the German's and Brazil only 1500 miles away feels the force of the Hitler air divisions?

All of these questions ought to cause goose flesh to creep over every true American. Just sit down I implore you and think them over. It ought to cause every man to shudder with fear.

There is but one answer to all of this. Great Britain and America should cease to battle a war of defense and should take to a war of offense. It will be said that our air army is not strong enough. That our navy is not strong enough. That our army is not strong enough. That we have not enough tanks. That we have not enough guns.

Bosh! For months, Hitler has fought an offensive war without the use of any of these weapons. What we want is an offensive of nerves. Hitler has an espionage system that is 100 per cent perfect. Britain and America have operated a counter espionage system. Let us take the lead in this and operate a system that will lick Hitler's spies to a standstill. So poor was the British and American system that when Hitler moved on Norway, the British were unprepared and did not know where the German ships were headed for. Let our offensive take the form of a clever espionage system that will shock the Hitler mind.

Then, too Hitler knows where he is going and what he is going to do when he gets there. Seemingly our gang of Hitler busters in Washington doesn't know what it is going to do ten days in advance. They are so busy building political fences that their plans are all awry. All Britain and America have seemingly done is to try to stop Hitler.

The German mind and goosestepped operates only when advances are being made. Why not a continual banging away with a few big planes and heavy bombs of German cities. Incessant smashing of German towns, wharves, homes and public buildings will cause a reverberation in Germany's people that will give Hitler more fright than a dozen of Churchill's and Roosevelt's speeches. They tell us that 500 bombers a month are coming off the assembly lines and most of them are going to Britain. Why not use them?

During the past week I think I have noted in the press, signs that the British morale is beginning to give. Once that happens the end is near for England and Uncle Sam will be left holding the proverbial bag. And it is going to be a load. Why not give the old German nerves a walloping? It would not take many planes.

America must, under the circumstances, begin to lay plans right now for 1945. The idea of plans for 1942, 1943, or 1945 is all balderbosh. This war is going to be a long one. We are going to need men, ships, guns, planes and we are going to lose thousands of men. Blood will run like water. While the mechanized forces have run ragged through the armed forces of England, it will still be the infantry that will tell the final story.

America's efforts today are being expended in a mad scramble in trying to catch up to what Great Britain is doing. Britain is trying to catch up to what Hitler is doing. There is no offensive in mind. Only a wild endeavor to halt and hold the Nazis. It is an axiom of military affairs that to the force on offense is the advantage.

It must be taken away from Hitler. If it requires our navy—well and good. Turn the navy loose. It is better to throw our resources into this fight right now than it is to wait until England is whipped, the majority of the world's people cowed and cringing under the Hitler lash and we fight alone. That must not happen.

We should have a department of offense. It should give to the leaders of this war a co-ordinated plan of action by which every ship, plane, gun and man would have a definite place. No one would run their business like this war is being conducted. Something is radically wrong some place and I, for one, feel that our United State Senators are remiss in their duties, to their country not to find out what it is.

Big business discharges its incompetents and I feel that our government entrusted to the safeguarding of our nation; its people, its institutions and its liberties is the biggest business of all. If we are being led by incompetents, let them be dismissed and men put in their places who can and will carry on with efficiency and dispatch. There are laws by which that can be done.

There should be such an appraisal of Germany and her resources that we would know if she has new engines of war; if she has more powerful plane engines than we have; if she has new gases; what her grain supplies are; what plans she has. This could be done if there were a will to do so. It should all be under the department of offense.

I am fearful of the outcome under the present method of conducting this war. They say the German leaders are mad. Give us some mad leaders. They say Germany is feeling the pinch of want and I ask what it is England is feeling? They say America is going to build a bridge of ships—when? That we will send clouds of planes across the sea—when? That we will give the Democracies guns and food—when?

If this thing continues along the same lines under which it is now going, England cannot last this year and must surrender "the tight little isle". What then will be our fate?

I feel that it is a duty of this Senate to know what is going on and I for one would favor calling upon the national government to send a man before this body to tell what is the plan, its aims, what results are being attained and then let us know how we can help.

But above all, let there be formed a department of offense. We must think more of bombing and less of anti-air craft guns; we must think in terms of long range guns; we must think in terms of 70 ton tanks; in espionage instead of counter espionage and of the cracking of the nerves of the Germans instead of administering nerve tonics to our people.

Let's go America, while we have some nation to march with us or else we will have to march alone.

APPOINTMENT OF CONFERENCE COMMITTEE

Mr. EALY. Mr. President, three of the bills relating to the financial policy of the Commonwealth were passed

by the House and were amended by the Senate. The bills to which I refer relate to the personal property tax and the tax anticipation notes. These bills are House Bills Nos. 230, 234 and 663. The Senate insisted upon its amendments to those bills and they have been returned to the House and now are in the possession of the House.

In order that these fiscal bills, under the tax program, be not delayed I desire to announce the conference committee on the part of the Senate which will act with a similar committee on the part of the House, when appointed.

As these matters are interwoven and interrelated I have felt it proper to appoint the same committee to consider all three of these bills, namely, House Bill Nos. 230, 234 and 663.

The members on the part of the Senate are the gentleman from Montgomery, Senator Edmonds; the gentleman from Delaware, Senator Heyburn; and the gentleman from Philadelphia, Senator Shapiro.

APPOINTMENT OF COMMITTEE OF CONFERENCE TO HOUSE BILL No. 230, (SENATE BILL No. 1007)

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (if the House of Representatives should appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Heyburn, Edmonds and Shapiro, as said committee on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

APPOINTMENT OF COMMITTEE OF CONFERENCE TO HOUSE BILL No. 234, (SENATE BILL No. 1010)

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (if the House of Representatives should appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Heyburn, Edmonds and Shapiro, as said committee on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

APPOINTMENT OF COMMITTEE OF CONFERENCE TO HOUSE BILL No. 663 (SENATE BILL No. 1011)

Mr. GELTZ. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (if the House of Representatives should appoint such a committee) to consider the differences existing between the two houses in relation to said bill.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The PRESIDENT. The President Pro Tempore appoints Messrs. Heyburn, Edmonds and Shapiro, as said committee

on the part of the Senate, and directs that the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. STIEFEL, from the Committee on State Government, reported as committed, Senate Bill No. 1080, (House Bill No. 1636), entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 935, entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing officers, and of the several administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

Mr. ZIESENHEIM, from the Committee on State Government, reported as committed, Senate Bill No. 634, (House Bill No. 974), entitled:

An Act to amend article twelve, section one thousand two hundred six, of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the issuance of a certificate of approval for weights and measures of county, city and borough sealers.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 1028, entitled:

An Act declaring that the soil under tidal waters within

the boundaries of the Commonwealth belongs and has always belonged, to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig; dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of sand, gravel or other soil without procuring such license and entering into such agreement.

Mr. THOMAS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 819, (House Bill No. 1326), entitled:

An Act to amend sections three and four of the act approved the thirtieth day of March one thousand nine hundred three (P. L. 110) entitled "An act supplementing an act entitled 'An act regulating the construction maintenance alteration and inspection of buildings and party walls in cities of the second class' approved the seventh day of June Anno Domini one thousand eight hundred and ninety-five regulating the construction alteration and ventilation of tenement-houses and providing for the safety of the inhabitants thereof and providing penalties for the violation of the same" further regulating the erection alteration and ventilation of certain tenement houses

Mr. THOMAS B. WILSON, from the Committee on State Government, reported as committed, Senate Bill No. 760, (House Bill No. 739), entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employee.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 617, entitled:

An Act to further amend clause seven of Section one of the act approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" extending the time for officers and employees of the Department of Public Instruction including State Teachers Colleges to withdraw from the Retirement System and receive reimbursement for moneys paid in.

BILL RE-REFERRED

He also, from the Committee on State Government, reported as committed, Senate Bill No. 313, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," excepting officers and professional employees of school districts from certain provisions thereof, and saving their rights under the Public School Employees Retirement System, and to salary increments.

with the request that it be re-referred to the Committee on Education.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 616, entitled:

An Act to further amend clause six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled, "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" providing that officers and employees of the Department of Public Instruction including State Teachers Colleges who are not members of or who may withdraw from the public school employee's retirement association may become employees of the State Employees' Retirement Association and receive credit for their service.

Mr. CRIDER, from the Committee on State Government, reported as committed, Senate Bill No. 897, (House Bill No. 834), entitled:

An Act requiring persons selling "merchandise" as herein defined, to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures; and providing penalties.

Mr. FARRELL, from the Committee on Municipal Government, reported as committed, Senate Bill No. 809, (House Bill No. 215), entitled:

An Act to further amend sections one and four of the act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service.

Mr. JAMES, from the Committee on Municipal Government, reported as committed, Senate Bill No. 770, (House Bill No. 1198), entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1122, (House Bill No. 1197), entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

Mr. MILLER, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1082, (House Bill No. 1658), entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class" by further regulating the manner of letting contracts relating to city affairs.

He also, from the Committee on State Government, reported as committed, Senate Bill No. 924, (House Bill No. 1035), entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858) entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member"

Mr. WATKINS, from the Committee on Representative Apportionment, reported as amended, Senate Bill No. 911, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

Mr. COLEMAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 820, (House Bill No. 1327), entitled:

An Act to amend section six and to further amend section eleven of the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (P. L. 596) entitled "An act requiring cities of the second class to establish a pension fund for employees of said cities and

regulating the administration and the payment of such pensions" restricting the right of per diem employees to join such pension system and giving peace time drafted employees credit for the time spent in the services of the United States

Mr. McCREESH, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1083, (House Bill No. 1670), entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

He also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 413, (House Bill No. 653), entitled:

An Act to add clause eighteen A to section three of article nineteen of the act, approved the seventh day of March, one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class" authorizing cities of the second class to impose and collect charges for the care and treatment at municipal hospitals of persons who are financially able to pay the expense of such care and treatment.

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 728, (House Bill No. 179), entitled:

An Act validating the titles to real estate purchased at judicial sales for the unpaid taxes or municipal assessments, where there is a defect in the names of the parties in certain cases; and providing certain exceptions.

Mr. HEYBURN, from the Committee on Finance, reported as amended, Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production loading pockets, places of storage and workshops.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES from the Committee on Executive Nominations reported with a favorable recommendation the following nominations, made by His Excellency, the Governor of the Commonwealth:

APPOINTMENT AS ALDERMAN IN CAMBRIA COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 3, 1941.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate William J. Cole, 733 Franklin Street, Johnstown, Cambria County, for appointment as Alderman in and for the Sixth Ward

of the City of Johnstown, Cambria County, until the first Monday in January, 1942, vice Robert A. Gleason, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF THE BOARD OF TRUSTEES OF THE SHIPPENSBURG STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 21, 1941.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Board of Trustees of Shippensburg State Teachers College, for terms of four years, and until their successors are qualified:

Earle H. Schaeffer, Camp Hill, Cumberland County. (Reappointment)

Mrs. Grace Sponseller, Shippensburg, Cumberland County, vice Dr. Edward S. Berry, whose term expired.

Caleb S. Brinton, Carlisle, Cumberland County. (Reappointment)

Hon. William R. Shearer, Carlisle, Cumberland County, vice Ralph Jacoby, whose term expired.

Roy Richwine, R. D., Mechanicsburg, Cumberland County, vice John L. Finafrock, whose term expired.

Carl Naugle, Shippensburg, Cumberland County, vice H. B. Hege, whose term expired.

James Ebbert, York, York County, to fill a vacancy.

Raymond G. Mowery, Quincy, Franklin County, vice Jeremiah S. Omwake whose term expired.

D. Norris Benedict, Waynesboro, Franklin County, vice Mrs. Ethel Smiley Ogle, whose term expired.

ARTHUR H. JAMES.

APPOINTMENT AS JUSTICE OF PEACE IN CLEARFIELD COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 20, 1941.

To the Honorable, The Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John E. Boyer, Penfield, Clearfield County, for appointment as Justice of the Peace in and for the Township of Huston, Clearfield County, until the first Monday in January, 1942, vice J. T. Spotts, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS MEMBERS OF NORTHUMBERLAND COUNTY BOARD OF ASSISTANCE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Northumberland County Board of Assistance, for the terms set opposite their names:

Chester L. Alexander, 45 Rose Street, Milton, until December 31, 1943, and until his successor is duly appointed and qualified.

Harry Haddon, Northumberland, until December 31, 1943, and until his successor is duly appointed and qualified.

Richard McKeever, Shamokin, until December 31, 1943, and until his successor is duly appointed and qualified.

Mrs. Ida Butts Morse, 35 North Walnut Street, Mt. Carmel, until December 31, 1942, and until her successor is duly appointed and qualified.

Dr. Joseph T. Wasilewski, 819 Chestnut Street, Kulpmont, until December 31, 1942, and until his successor is duly appointed and qualified.

Dr. Robert Vastine, 76 East Sunbury Street, Shamokin, until December 31, 1941, and until his successor is duly appointed and qualified.

Joseph Zecoski, 40 West Fourth Street, Mt. Carmel, until December 31, 1941, and until his successor is duly appointed and qualified.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. DEITRICK

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. DEITRICK

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

Mr. DEITRICK. Mr. President, I want to thank the Senators and others who have made possible a public assistance board for Northumberland County. We needed one badly. Now we have a board and we in Northumberland County will again have home rule in our public assistance.

Mr. President, I know the whole personnel of this board and now, although it is not a perfect board, I feel it can and will function to the best interests of the citizens of Northumberland County and the whole State of Pennsylvania.

I am firmly convinced this board will act in a non-partisan manner and as much as possible leave politics out of relief. That was my reason for previously having asked the Senate not to approve the other board and now I believe that fault is rectified and I ask that this board, as appointed by the Governor, be approved.

And the question recurring,

Will the Senate advise and consent to the nominations?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr.	Ealy.	Letzler.	Stiefel.
Bartlett.	Edmonds.	Mallery.	Tallman.
Becker.	Farrell.	McCreesh.	Taylor.
Carr.	Frey.	McQuiddy.	Thomas.
Cavalcante.	Geltz.	Miller.	Tyler.
Chapman.	Haluska.	Reed.	Wade.
Coleman.	Heyburn.	Ruth.	Watkins.
Cox.	Homsher.	Scarlett.	Wilson, H. I.,
Crider.	James.	Shapiro.	Wilson, T. B.,
Crowe.	Jaspan.	Snowden.	Woodward.
Detrick.	Kephart.	Stevenson.	Ziesenheim.
DiSilvestro.	Lanlus.		

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

REPORT OF CONFERENCE COMMITTEE ON HOUSE
BILL No. 376

Mr. CARR. Mr. President, I present the report of the Committee of Conference on House Bill No. 376, (Senate Bill No. 402), entitled:

An Act to amend paragraph (a) of section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code," by prohibiting the sale of lubricating oil which has been used and re-refined unless such oil is clearly so labeled.

The PRESIDENT. The report will be noted on the Calendar of June 11th.

Mr. EDMONDS. Mr. President, where can we find a copy of that report?

The PRESIDENT. It is House Bill No. 376. The Chair understands there has been merely a correction in spelling, of one word.

Mr. EDMONDS. Mr. President, where is the report in our files?

The PRESIDENT. For the information of the gentleman from Montgomery the report will appear on tomorrow's calendar.

Mr. THOMAS B. WILSON. Mr. President, it will be on our desks tomorrow. It is their bill and will be printed by them.

The PRESIDENT. There will be no action on the bill by the Senate today. The bill will appear on tomorrow's calendar.

BILLS INTRODUCED

Mr. EDMONDS read in his place and presented to the Chair Senate Bill No. 1173, entitled:

An Act authorizing the Department of Property and Supplies to purchase coal underlying the Cresson State Sanatorium and making an appropriation therefor.

Which was committed to the Committee on Appropriations.

He also read in his place and presented to the Chair Senate Bill No. 1174, entitled:

An Act to amend the act, approved the twentieth day of May, one thousand nine hundred and thirty-seven (P. L. 728), entitled "An act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the board; and fixing the compensation of members and employees thereof; providing that the awards of such board shall be final; providing for the payment of awards; and authorizing an appropriation," as amended by providing for the payment of fees and expenses of the members of said board not properly chargeable as costs of proceedings before it, further prescribing procedure, and further defining the jurisdiction of said board.

Which was committed to the Committee on Appropriations.

BILLS POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 649 (House Bill No. 971), on final passage, entitled:

An Act to further amend section fifteen and to repeal sections fifteen and one-tenth and fifteen and two-tenths and fifteen and three-tenths of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six month before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended by providing for the renewal extension and continuation of liens for taxes and water lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases re-viving validating preserving and extending liens

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BARR. Mr. President, I do not want to stifle the process of legislation here today but I do want to register my objection. However, Mr. President, I am not going to ask for a roll call. I thought, after last week, we were finished with that, and I had discussed various bills with several Senators and I had thought we had come to an agreement.

Mr. EALY. Mr. President, as to this particular bill, I had a discussion this morning with one of the persons interested and he feels in two or three particulars the bill needs amendments. I think there is no objection to having the bill placed on the postponed Calendar until it is in proper shape for final passage.

Mr. BARR. Mr. President, if that is the purpose I withdraw my objection.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 818, (House Bill No. 1324), on final passage, entitled:

An Act to further amend section thirty-two of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes and revising, amending, and consolidating the laws relating thereto, further providing for ascertaining the change of classification of counties

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 889, on final passage, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 891, (House Bill No. 253), entitled:

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

And said bill having been read at length the third time, and agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	Ealy,	Letzler,	Stiefel,
Bartlett,	Edmonds,	Mallery,	Tallman,
Becker,	Farrell,	McCreesh,	Taylor,
Carr,	Frey,	McQuiddy,	Thomas,
Cavalcante,	Geltz,	Miller,	Tyler,
Chapman,	Haluska,	Reed,	Wade,
Coleman,	Heyburn,	Ruth,	Watkins,
Cox,	Homsher,	Scarlett,	Wilson, H. I.,
Crider,	James,	Shapiro,	Wilson, T. B.,
Crowe,	Jaspan,	Snowden,	Woodward,
Deltrick,	Kephart,	Stevenson,	Ziesenheim,
DiSilvestro,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendment in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 309, (House Bill No. 312), on third reading, entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employes, and furnishing suitable accommodations; and making an

appropriation," by providing for furnishing artificial limbs to children over ten years of age

go over in its order.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I assume the purpose of putting this bill over in its order is so that it may be amended. Therefore I should like to interrogate the gentleman from Allegheny concerning this bill.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. SHAPIRO. Mr. President, this bill adds an amendment to the existing law which authorizes the furnishing of appliances to handicapped persons. The amendment adds "and to children over the age of ten." Is it the thought of the framers of this amendment that under the existing law children over the age of ten could not get these instruments.

Mr. GELTZ. Mr. President, I have not any idea what is the intention of the framers of this bill. There seems to be some question about this that needs further consideration, and for that reason I asked that the bill go over in its order.

Mr. SHAPIRO. Mr. President, I would like to place on the record, for the information of those who are considering the bill, the thought that this amendment restricts or narrows rather than enlarges the powers of the department. It is my thought that under existing law children over the age of ten years could receive these appliances but as it has been amended it would seem to me to restrict that provision.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 340, (House Bill No. 238), as follows:

An Act requiring cities of the second class A having fire departments to allow members of said fire departments twenty-four consecutive hours of rest each week and fourteen days vacation with pay each year except in emergency cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All cities of the second class A having fire departments shall allow every member of such fire departments to have at least twenty-four consecutive hours of rest in every calendar week exclusive of the time when the change of shifts occurs except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war riot conflagration public celebrations and to have an annual vacation of not less than fourteen days without the diminution of the salary or compensation fixed by ordinance or statute

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 344, entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service lines.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill permits widening of roads beyond the present width of one hundred twenty feet, when the Federal Government wants to use them. There is an additional provision which I think complicates the situation. That is the provision "and provided further that where the breadth of a public road shall hereafter be fixed at more than one hundred and twenty feet and it shall become necessary to move or relocate any public service lines, the costs and expenses incident to such removal or relocation shall be paid by the Federal Government."

Mr. President, while I understand it was intended if the Federal Government asks for widening it shall pay for this cost, this bill now would put us in this position, if at any other time this Legislature should authorize the widening of roads for any purpose at all, the Federal Government would have to pay for the relocation of poles. In other words, the amendment is not sufficiently restricted for the future to provide that for roads widened for the benefit of the Federal Government, the cost shall be paid, but there is a general provision if at any time the roads are widened for any reason the Federal Government shall pay.

Mr. President, it seems to me that ought to be corrected and if it is agreeable to the members of the Senate I suggest that the bill now go over in its order until that point can be clarified.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 344, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 484, as follows:

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In any proceedings for the assessment and payment of damages for the taking of any property by the exercise of the right of eminent domain in the construction or improvement of highways the amount of such damages as finally determined by the viewers in their report or in proceedings on appeal as the case may be shall bear interest at the prevailing legal rate from the date of the taking of such property

Section 2 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 3 This act shall take effect immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 501, (House Bill No. 710), on third reading, entitled:

An Act to enable tax collectors and receivers of taxes to make return to the county commissioners of unpaid taxes assessed on seated lands for certain years; and validating the liens of such taxes

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 502, (House Bill No. 895), on third reading, entitled:

An Act to authorize counties, cities, boroughs, incorporated towns, townships, school districts, poor districts and county institution districts, to file tax and municipal claims, not filed within the time specified by law and to file suggestions of nonpayment and averments of default, or to sue out writs of scire facias on certain tax or municipal claims, and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 522, on third reading, entitled:

An Act to further amend the act, approved the third day of May, one thousand nine hundred thirty-three (P. L. 242), entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the Department of Public Instruction; providing for appeals to certain courts by applicants and licensees; and providing penalties," by eliminating apprentices, and setting-up classification of junior operators; further regulating operators, junior operators and beauty parlors; setting-up new period for expiration of certificates issued by board; permitting beauty culture schools in certain cases to charge for materials used in giving treatments to the public and imposing penalties

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Mr. President, I desire to interrogate the gentleman from Allegheny, Mr. Geltz.

The PRESIDENT. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. GELTZ. I will, Mr. President.

Mr. HALUSKA. Mr. President, will the gentleman from Allegheny tell me why he wishes this bill placed on the postponed Calendar?

Mr. GELTZ. I will, Mr. President. It was because it was requested by some of the Senators, for the purpose of studying this bill further. There have been, as I understand, several amendments to the bill and it is quite different now than when it was introduced. Some of the Senators want a little further time to study the bill.

Mr. HALUSKA. Mr. President, some weeks ago our colleague from Monroe, Mr. Crowe, remarked with reference to a bill: "it makes no difference if he is a hound, you must stop kicking my dog around." Certainly, that is true on this occasion. This bill has been in this Chamber now for four or five weeks, on the Calendar, and any member of this Senate who had the desire to study this bill certainly had the opportunity. It is a mockery if it

is the intent of this Chamber to kill this bill. Let us call it up, and if we are going to pass it let us pass it. We are all aware of the fact we are about to adjourn, at least we hope we are. This is a Senate bill; if it should pass this body it must go into a committee of the House, and if it passes today, it will scarcely have sufficient time to pass over there.

I see no reason for anybody to say this bill needs further study. True enough, it has been amended and it came out of committee, and went back to committee and was amended in committee, amended on the floor of this Chamber, it has been on third reading since last Wednesday, and certainly if any member wishes to discuss any proposed amendments, I shall be too happy to have the privilege of discussing them in this Chamber. What are the amendments? Let us see them, If you have no amendments to make, that is a sure way of killing this bill. I would like to have an opportunity of voting for this bill, and I think many of my colleagues feel likewise.

Therefore, Mr. President, I ask that my colleagues oppose this motion and have the bill brought up for final passage and dispose of it one way or another.

On the question,

Will the Senate agree to the motion?

Mr. HALUSKA. Roll call, Mr. President.

(During the calling of the roll the following occurred:)

Mr. HALUSKA. I ask that the roll be verified Mr. President.

The PRESIDENT. The Clerk will call the names of those voting in the affirmative.

The Clerk read the names of those voting in the affirmative as follows:

Bartlett,	Edmonds,	Kephart,	Tyler,
Becker.	Farrell,	Miller.	Wade,
Chapman,	Geltz,	Scarlett,	Watkins,
Order,	Heyburn,	Stevenson,	Wilson, H. L.,
Crowe.	Homsher,	Tallman,	Wilson, T. B.,
Detrick,	James,	Taylor,	Ziesenheim
Ealy.			

The PRESIDENT. Are there any corrections?

Mr. DENT. Mr. President, I thought I heard my name called as having voted in the affirmative. I wish to be recorded as voting "no."

The PRESIDENT. The vote of the gentleman from Westmoreland will be so recorded.

Are there any other corrections? The Chair hears none.

The affirmative vote will stand as verified.

Mr. COLEMAN. Mr. President, I desire to know how I am recorded as having voted?

The PRESIDENT. The gentleman from Lackawanna will know that when the verification has been completed.

The Clerk will now call the names of those voting in the negative.

The Clerk read the names of those voting in the negative as follows:

Barr,	DiSilvestro,	Letzler,	Ruth,
Carr,	Frey,	Mallery,	Shapiro,
Cavalcante,	Haluska,	McCreesh,	Snowden,
Coleman,	Jaspan,	McQuiddy,	Stiefel,
Cox,	Lanlus,	Reed,	Thomas,
Dent,			

The PRESIDENT. Are there any corrections? The Chair hears none. The negative vote will stand as verified.

Yeas—25; Nays—21.

The yeas and nays were required by Mr. HALUSKA and were as follows, viz:

YEAS—25

Bartlett,	Edmonds,	Kephart,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Scarlett,	Watkins.
Crider,	Heyburn,	Stevenson,	Wilson, H. I.,
Crowe,	Homsher,	Tallman,	Wilson, T. B.,
Deltrick,	James,	Taylor,	Ziesenheim,
Ealy			

NAYS—21

Barr,	DiSilvestro,	Letzler,	Ruth,
Carr,	Frey,	Mallery,	Shapiro,
Cavalcante,	Haluska,	McCreesh,	Snowden,
Coleman,	Jaspan,	McQuiddy,	Stiefel,
Cox,	Lanius,	Reed,	Thomas,
Dent,			

So the question was determined in the affirmative.

Mr. HALUSKA. Mr. President, I desire to make a brief statement with reference to Senate Bill No. 522, now placed on the postponed Calendar.

I am assuming the gentleman from Allegheny, Mr. Geltz was sincere when he said the reason for placing the bill on the postponed Calendar was so that some of the members of this Chamber might have an opportunity to study this measure further.

Mr. President, I shall wait until tomorrow and then I shall call this bill up. If tomorrow they insist upon having the bill on the postponed Calendar, I shall then call up the bill every fifteen minutes until this session should adjourn or until such time that the bill will be either passed or sent back to committee, but after tomorrow, I shall rise on the floor and ask to call up Senate Bill No. 522 every fifteen minutes.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 531, (House Bill No. 383), as follows:

An Act to further amend section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing that school districts of the fourth class may employ at their own expense a medical inspector

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one thousand five hundred three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2560) is hereby further amended to read as follows

Section 1503 In every school district of the fourth class in this Commonwealth the State Department of Health shall provide in such manner as it may determine

medical inspection for all the pupils in the public schools by proper medical inspectors to be appointed by the State Secretary of Health at the expense of said department The school district may at its own expense provide such medical inspection or additional medical inspection and each school district may in any event provide at least one medical inspector at its own expense who shall perform such duties as the school board shall prescribe and shall be paid such compensation as the school board may determine not however to exceed eight hundred dollars (\$800) for any one year All such medical inspectors shall be legally qualified physicians who have had not less than two years experience in the practice of their profession Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 579, (House Bill No. 392), as follows:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any county treasurer who shall have made sale of seated lands for unpaid taxes shall die or be removed from office or when the term of office of such treasurer shall have expired before any valid or effective deed or deeds are executed by him to the purchaser or purchasers then and in every such case it shall be the duty of the treasurer for the time being to perfect such title and execute a deed or deeds to the purchaser or purchasers and they are hereby empowered and required upon the full discharge and payment of the money or price for which the said lands were sold with such cost and charges as remain unpaid to the former treasurer to make execute and acknowledge any deed or deeds and to perform and do all other matters and things that by the former treasurer might could or ought to have been performed or done which when done shall be held and adjudged as effectual in law as if the title had been completed by the former treasurer.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Letzler,	Stevenson,
Bartlett,	Ealy,	Lanlus,	Stiefel,
Becker,	Edmonds,	Mallery,	Talman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Habyska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Mr. SHAPIRO. Mr. President, Senate Bill No. 151 passed by the Senate seems to me to cover the same subject matter and to be similar to a bill which is in a House committee.

Mr. GELTZ. Mr. President, that does not mean it is going to be a law.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 594, as follows:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency

Relief Board" as amended by redefining assistance to include work relief and authorizing the Department of Public Assistance with the approval of the Governor to administer work relief projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-seven (P. L. 2051) entitled "An act relating to public assistance providing for and regulating assistance to certain classes of persons designated and defined as dependent children aged persons blind persons and other persons requiring relief providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose authorizing the Department of Public Assistance to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons providing for the liquidation of the State Emergency Relief Board Boards of Trustees of the Mothers' Assistance Fund and Boards of Trustees of Pension Fund for the Blind and repealing laws relating to mothers' assistance pensions for the blind old age assistance and the State Emergency Relief Board" as last amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1089) and the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1091) is hereby further amended to read as follows

Section 2 Definitions As used in this act unless otherwise indicated

"Assistance" means assistance in money milk goods shelter medical care work relief or services provided from or with State or Federal funds for indigent persons who reside in Pennsylvania and need assistance to enable them to maintain for themselves and their dependents a decent and healthful standard of living and for indigent homeless or transient persons The word assistance shall be construed to include pensions for those blind persons who are entitled to pensions as provided in this act and to include also burial for those indigent persons who were receiving assistance at the time of their death

"General Assistance" means assistance provided from or with State funds only to persons entitled under this act to assistance other than dependent children aged persons and blind persons

"Local Board" means any county board of assistance established under the provisions of this act

The masculine pronoun includes the feminine

Section 2 Section four of said act as amended by the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1089) and the act approved the twenty-sixth day of June one thousand nine hundred thirty-nine (P. L. 1091) is hereby further amended by adding after clause (k) a new clause to be known as clause (l) and to read as follows

Section 4 General Powers and Duties of Department of Public Assistance The Department of Public Assistance shall have the power and its duty shall be

* * * * *

(1) Subject to the approval of the Governor to approve contribute to the cost of operate or cooperate in the operation of work relief projects submitted by any State administrative department board or commission or by the governing body of any political subdivision of the Commonwealth

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Dent,	Kephart,	Taylor,
Becker,	Ealy,	Letzler,	Thomas,
Carr,	Edmonds,	Mallery,	Tyler,
Cavalcante,	Farrell,	Miller,	Wade,
Chapman,	Geltz,	Scarlett,	Watkins,
Crider,	Heyburn,	Snowden,	Wilson, H. I.,
Crowe,	Komsher,	Stevenson,	Wilson, T. B.,
Deitrick,	James,	Tallman,	Ziesenheim,

NAYS—14

Barr,	Frey,	McCreesh,	Ruth,
Coleman,	Haluska,	McQuiddy,	Shapiro,
Coa,	Jaspan,	Reed,	Stiefel,
DiSilvestro,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoptions of compensation schedules and certification of payrolls, imposing duties upon certain officers and employees of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service, defining certain crimes and misdemeanors, imposing penalties, making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act, approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," as amended, in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent

that Senate Bill No. 680, (House Bill No. 869), on third reading, entitled:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgages by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 694, (House Bill No. 1175), on third reading, entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 702, (House Bill No. 752), as follows:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The council of any city of the second class A may with the consent of the owner or owners of any property within the limits of such city adjoining or adjacent to any State-owned hospital may tear down buildings thereon and do such other work in connection therewith as shall increase the beauty of its appearance and its usefulness for park or other purposes Such work may be done either at the cost of the city or with funds supplied by any Federal or State agency or partly at the costs of the city and partly with such funds

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Barr,	DiSilvestro,	Lanius,	Stevenson,
Bartlett,	Ealy,	Letzler,	Stiefel,
Becker,	Edmonds,	Mallery,	Tallman,
Carr,	Farrell,	McCreesh,	Taylor,
Cavalcante,	Frey,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Reed,	Wade,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. I.,
Crowe,	James,	Shapiro,	Wilson, T. B.,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 704, (House Bill No. 837), entitled:

An Act to further amend section one thousand seven hundred and four of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" permitting the teaching in high school and vocational schools of the theories of proper and safe operation of motor vehicles.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—17

Bart,	Ealy	Jaspan,	McQuiddy,
Carr,	Edmonds,	Lanius,	Reed,
Cavalcante,	Frey,	Mallery,	Ruth,
Cox,	Haluska,	McCreesh,	Stiefel,
DiSilvestro,			

NAYS—29

Bartlett,	Geltz,	Scarlett,	Tyler,
Becker,	Heyburn,	Shapiro,	Wade,
Chapman,	Homsher,	Snowden,	Watkins,
Coleman,	James,	Stevenson,	Wilson, H. I.,
Crider,	Kephart,	Tallman,	Wilson, T. B.,
Crowe,	Letzler,	Taylor,	Woodward,
Detrick,	Miller,	Thomas,	Ziesenheim,
Farrell,			

Less than a constitutional majority of all the Senators having voted "aye" the question was determined in the negative.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 715, on third reading, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 750, (House Bill No. 398), as follows:

An Act authorizing the Department of Highways to take over bridges viaducts and other structures on State highways for the purpose of construction reconstruction maintenance and repair thereof when such highways are designated as essential National Defense Highways

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever any Federal agency or department has designated any State highway or section thereof as essential to National Defense the Secretary of Highways may upon request of the United States military or naval authorities with the approval of the Governor take over for construction reconstruction maintenance or repair any bridge viaduct and other structure upon over or appurtenant to said State highway in any city of the third class borough incorporated town or township in the Commonwealth

Section 2 The cost and expense of the construction reconstruction maintenance and repair of said bridges viaducts and appurtenant structures herein described shall be paid in whole out of any moneys appropriated to the Department of Highways or in part with the same moneys and any other funds appropriated to the Commonwealth by the Federal Government for any highway purpose

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 765, (House Bill No. 1071), on third reading, entitled:

An Act to further amend section sixteen of the act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employees defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State, county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highway making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act." providing for the payment of costs by the Commonwealth in certain cases

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 814, (House Bill No. 1190), on third reading, entitled:

An Act relating to coal stripping operations providing

for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 823, on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts," as amended further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employees of such corporations and persons

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 835, (House Bill No. 1435), entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof: to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national defense activities

And said bill having been read at length the third time, And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 835),
(HOUSE BILL No. 1435)

Mr. BARR. Mr. President, I move that the Senate do

now reconsider the vote by which Senate Bill No. 835, (House Bill No. 1435), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye".

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to eleven inclusive of the bill were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Sec. 1, page 2, lines 1 to 4, by striking out the following "Be it enacted by the Senate and House of Repre—" in line 1, all of lines 2 and 3, and the word "this" in line 4, and inserting in lieu thereof: "This".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title was read and agreed to.

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Bill, page 2, by inserting between last line of title and line 1, the following: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:"

On the question,

Will the Senate agree to the amendment?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. CAVALCANTE. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette will state his question of parliamentary inquiry.

Mr. CAVALCANTE. Mr. President, was the motion made by the gentleman from Allegheny, Mr. Barr, to reconsider the vote by which Senate Bill No. 835 passed third reading?

The PRESIDENT. Second reading.

Mr. CAVALCANTE. I just wanted to call the attention of the gentleman from Allegheny, Mr. Barr, to the fact that was not necessary. He would have saved time by asking unanimous consent to offer amendments.

Mr. SHAPIRO. May we have the amendments read again?

The amendments were again read by the Clerk.

Mr. BARR. Mr. President, I can tell you what these amendments are very quickly.

Mr. SHAPIRO. There apparently is something wrong with it. They strike out the word "yes" and then put it back in again.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the eleventh sections inclusive of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations; political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 836, (HOUSE BILL No. 1438)

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 836 (House Bill No. 1438) passed second reading, as we are going to hold a committee meeting to consider the bill on Thursday.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye".

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to four inclusive of the bill were severally reconsidered.

The Enactment Clause was read.

On the question,

Will the Senate agree to the Clause?

Mr. BARR. Mr. President, I desire to offer amendment.

The Clerk read the amendment as follows:

Amend the Enactment Clause, page 1, lines 14, 15, 16 and 17, by striking out all of said lines and inserting in lieu thereof the following: "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The first section was read.

On the question,
Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend Section 1, page 2, line 20, by striking out after the word "or" and before the word "by" the word "used" and inserting in lieu thereof the word: "issued".

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the section as amended?
It was agreed to.

The second, third and fourth sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 837, (House Bill No. 1439), entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto

And said bill having been read at length the third time,

On the question,
Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 837, (HOUSE BILL No. 1439)

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 837, (House Bill No. 1439), passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye."

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. FREY, Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to four of the bill were severally reconsidered.

The Enactment Clause was read.

On the question,
Will the Senate agree to the Clause?

Mr. BARR. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend the Enactment Clause, page 1, lines 6, 7, 8, and 9, by striking out all of said lines and inserting in lieu thereof the following: "The General Assembly of the

Commonwealth of Pennsylvania hereby enacts as follows:"

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the "Clause" as amended?
It was agreed to.

The first to the fourth sections of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

SENATE BILL No. 344 CALLED UP ON THIRD READING

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 344, on third reading, page 3 of the Calendar, which went over in its order.

Mr. SNOWDEN. Mr. President, I second the motion.
The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 344, entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public services lines.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
Will the Senate agree to the bill?

Mr. GELTZ. Mr. President, I ask unanimous consent to offer the following amendments:

Amend, Section 1, page 2, line 28, by inserting after the word "fect" and before the word "and" the following: "and the right of way for such public highway has been acquired solely by the Federal Government."

The PRESIDENT. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That said bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 862, (House Bill No. 1072), as follows:

An Act to amend section five hundred and nineteen of the

act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five hundred and nineteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Section 519 Time of Appointment of Viewers Costs The viewers provided for in the preceding section may be appointed either before or at any time after the entry upon taking appropriation or injuring of said land property or material

The cost of said viewers and all court costs incurred including all advertising and notices in connection therewith shall be paid by the county except that when the right of eminent domain has been exercised by the county acting with the corporate authorities of any city borough town or township then all costs shall be borne equally by the county and city borough town or township Provided however That where the right of eminent domain has been exercised by the Commonwealth and the county has refused to assume the payment of damages resulting therefrom the cost of said viewers and all other costs in connection therewith shall be paid by the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS--47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS--0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 879, (House Bill No. 1413), as follows:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania after the use of any highway as a detour has been discontinued to restore promptly such highway to substantially the same condition as it was prior to its use as a detour

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Whenever as a result of construction or repairs along or to any State highway it has proved necessary or advisable to designate any other highway as a detour and to divert traffic over such other highway it shall be the duty of the Department of Highways of the Commonwealth of Pennsylvania promptly after the use of such highway as a detour shall have been discontinued to restore it to substantially the same condition as it was prior to its use as a detour

Section 2 In order to carry out the provisions of this act the Department of Highways is hereby authorized to expend any of the moneys appropriated to it from time to time for highway purposes

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS--47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deitrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS--0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 900, (House Bill No. 1257), as follows:

An Act to add section three and one-tenth to the act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134) entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties" providing for an extension of time on permits for such displays when not made on the day designated in the permit

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the fifteenth day of May one thousand nine hundred and thirty-nine (P. L. 134) entitled "An act relating to fireworks defining fireworks prohibiting the sale offering or exposing for sale and use of fireworks except in certain cases authorizing cities boroughs towns and townships to issue permits for fireworks displays and to regulate the same imposing duties on the Pennsylvania Motor Police sheriffs police officers and constables and providing penalties" is hereby amended by adding thereto after section three a new section to read as follows

Section 3.1 If by reason of unfavorable weather the

display for which a permit has been granted does not take place at the time so authorized the person to whom such permit was issued may within twenty-four hours apply to the authority having granted the same setting forth under oath the fact that such display was not made giving the reason therefor and requesting a continuance of such permit for a day designated therein not later than one week after the day fixed originally in said permit. Upon receiving such application for a continuance the said authority if it believes the facts stated therein are true shall extend the provisions of said permit to the day fixed in said application not later than one week after the original day designated in the permit and such extension of time shall be granted without the payment of any additional fee and without requiring any bond other than the one given for the original permit the provisions of which shall extend to and cover all damages which may be caused by reason of the said display taking place at such extended date in the same manner and to the same extent as if such display had taken place at the date originally fixed in the permit.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 903, (House Bill No. 1295), on third reading, entitled:

An Act to amend section four thousand four hundred two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for additional members of certain civil service boards

be postponed for the present.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 912, on third reading, entitled:

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled, as amended, "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 923, (House Bill No. 943), on third reading, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 934, on third reading, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 941, (House Bill No. 276), on third reading, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 963, (House Bill No. 861), on third reading, entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HENRY I. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 964, (House Bill No. 940), on third reading, entitled:

An Act to amend section 1202 by adding clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1014, (House Bill No. 1512), on third reading, entitled:

An Act to improve the condition of the blind in the Commonwealth of Pennsylvania by providing for vending and refreshment stands in public and private buildings to be operated by blind persons empowering the State Council for the Blind to do all things necessary for the establishment maintenance and supervision of such stands and to select and provide for the compensation of suitable blind operators therefor authorizing the State Council for the Blind to designate persons to operate stands in Federal buildings under authority of any act of Congress authorizing officers and agencies in charge of State county or municipal buildings to allow the establishment and operation of stands herein creating a revolving fund in the State Treasury to be used for the purposes of the act and making an appropriation

be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1015, as follows:

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes and providing that the reasonable cost thereof shall be borne by the several counties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 From and after the final enactment and approval by the Governor of this act it shall be lawful and the several treasurers of the several counties in and of the Commonwealth of Pennsylvania are hereby authorized and directed to provide and maintain at all times an index or indexed record setting forth the dates consideration and a brief description of all properties sold by the said treasurers for delinquent taxes interest costs and penalties said index or said indexed record shall set forth in alphabetical order the names of the owners or reputed owners of the properties sold and as well the names of the purchasers thereof

Section 2 The reasonable cost and expense of providing and maintaining said index or indexed record shall be borne by the respective counties and shall be payable out of the general funds of said counties

Section 3 In order to bring said index up to date said

record shall begin with and shall include all sales of properties for taxes held during the year one thousand nine hundred thirty-nine and thereafter said record may include with the approval of the county commissioners of the several counties any and all sales of properties for taxes held prior to the year one thousand nine hundred thirty-nine

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr.	Ealy.	Lanius.	Tallman.
Bartlett.	Edmonds.	Letzler.	Taylor.
Becker.	Farrell.	Mallery.	Thomas.
Carr.	Frey.	McCreesh.	Tyler.
Cavalcante.	Geltz.	Miller.	Wade.
Chapman.	Haluska.	Reed.	Watkins.
Coleman.	Heyburn.	Ruth.	Wilson, H. I.
Crider.	Homsher.	Scarlett.	Wilson, T. B.
Crowe.	James.	Snowden.	Woodward.
Deltrick.	Jaspan.	Stevenson.	Ziesenheim.
DiSilvestro.	Kephart.	Stiefel.	

NAYS—3

Cox.	McQuiddy.	Shapiro.
------	-----------	----------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1020, on third reading, entitled:

An Act to amend section four of the act, approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes; and the reconveyance or private sale of such property," by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1021, as follows:

An Act relating to soil conservation and soil erosion and regulating land use practices contributing to soil waste and soil erosion providing for the organization of soil conservation districts as governmental subdivisions prescribing the officers and employees thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act authorizing

county commissioners to make appropriations for the use of soil conservation districts within their counties providing for the making of appropriations by the General Assembly and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Short Title This act shall be known and cited as the "Soil Conservation Districts Law"

Section 2 Declaration of Policy It is hereby declared to be the policy of the legislature to provide for the conservation of the soil and soil resources of this Commonwealth and for the control and prevention of soil erosion and thereby to preserve natural resources assist in the control of floods prevent impairment of dams and reservoirs assist in maintaining the navigability of rivers and harbors preserve wildlife protect the tax base protect public lands and protect and promote the health safety and general welfare of the people of the Commonwealth

Section 3 Wherever used or referred to in this act unless a different meaning clearly appears from the context

(a) "District" or "soil conservation district" means a county whose board of county commissioners has by resolution declared said county to be a soil conservation district

(b) "Directors" or "Board of Directors" means the governing body of a soil conservation district or a majority thereof

(c) "Director" means one member of the governing body of a soil conservation district appointed in accordance with the provisions of this act

(d) "Board" means the State Soil Conservation Board created in section four of this act

(e) "County board" means the board of county commissioners of a county

(f) "Commonwealth" means the Commonwealth of Pennsylvania

(g) "Agency of this Commonwealth" includes the government of this Commonwealth and any subdivision agency or instrumentality corporate or otherwise of the government of this Commonwealth

(h) "United States" or "agency of the United States" includes the United States Department of Agriculture and any other agency or instrumentality corporate or otherwise of the government of the United States of America

(i) "Government" or "governmental" includes the government of this Commonwealth the government of the United States and any subdivision agency or instrumentality corporate or otherwise of either of them

(j) "Land occupier" or "occupier of land" includes any person firm or corporation who shall hold title to or shall be in possession of any lands lying within a soil conservation district organized under the provisions of this act whether as owner lessee renter tenant or otherwise

Section 4 State Soil Conservation Board. (1) There is hereby created in the Department of Agriculture the State Soil Conservation Board which shall be a Departmental Administrative Board with all the powers and duties generally vested in and imposed upon such boards by the Administrative Code of 1929 and its amendments. The Board shall consist of the Secretary of Forests and Waters the Director of the State College Experiment Station the Secretary of Agriculture and two practical farmers to be appointed by the Governor from a list of four nominees submitted by the Agricultural Council of Farm Organizations of Pennsylvania. The Board may invite the Secretary of Agriculture of the United States of America to recommend one person to serve with the above mentioned members as a member of the Board which person may be appointed by the Board. The Board shall keep a record of its official actions and may perform such acts and promulgate such rules and regulations as may be necessary for the execution of its functions under this act

(2) The Board may call upon the Attorney-General of the Commonwealth for such legal services as it may require. It shall have authority to delegate to its chairman to one or more of its members or to one or more agents or employees such powers and duties as it may deem proper. Upon request of the Board for the purpose of carrying out any of its functions the supervising officer of any

state agency or of any state institution of learning shall insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed assign or detail to the Board members of the staff or personnel of such agency or institution of learning and make such special reports surveys or studies as the Board may request

(3) The Board shall designate its chairman and may from time to time change such designation. The farmer members shall be appointed for a period of two years. Board members shall hold office until their successors have been appointed and have qualified. The selection of successors to fill a vacancy shall be made in the same manner in which the retiring Board members shall have been selected. A majority of the Board shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. The farmer members shall receive ten dollars per day for each day necessarily spent in the performance of their duties. Only the farmer members of the Board shall receive compensation for their services but all members of the Board shall be entitled to their actual and necessary expenses including traveling expenses incurred in the discharge of their duties. The Board shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions regulations and orders issued or adopted

(4) In addition to the duties and powers herein conferred upon the Board it shall have the following duties and powers

a To adopt such policies in the carrying out of district programs as they deem appropriate

b To keep the directors of each of the several districts organized under the provisions of this act informed of the activities and experience of all other districts organized hereunder and to facilitate an interchange of advice and experience between such districts and cooperation between them

c To approve and coordinate the programs of the several soil conservation districts organized hereunder

d To assist upon request in the securing of the cooperation and assistance of the United States and any of its agencies and of agencies of this Commonwealth in the work of such districts

e To disseminate information throughout the state concerning the activities and programs of the soil conservation districts organized hereunder and to encourage the formation of such districts in areas where their organization is desirable

(5) The Board shall have the power to receive such funds as appropriated given granted or donated to it or to the program provided for in this act by the Federal government the Commonwealth or any other governmental or private agency or person and shall use such funds for the carrying out of the provisions of this act and/or the allocation of such funds or parts thereof to the soil conservation districts created hereunder in an equitable and just manner at the discretion of the Board

Section 5 Creation of Soil Conservation Districts. When the board of county commissioners of any county determines that conservation of soil resources and control and prevention of soil erosion are problems of public concern in the county and further determines that a substantial proportion of the rural land owners of the county favors such a resolution the said board of county commissioners by a resolution adopted at any regular or special meeting of the board may declare the county to be a soil conservation district for the purpose of effectuating the legislative policy announced in section two. These determinations shall be made through hearings petitions referenda or any other means which the board of county commissioners deems appropriate

Section 6 Designation of District Directors. When a county has been declared a soil conservation district a Board of Directors consisting of five members shall be appointed by the board of county commissioners. This Board of Directors shall consist of one member of the

board of county commissioners and four practical farmers who shall be appointed from a list submitted by the officers of the county-wide agricultural organizations

Section 7 Appointment Qualifications Compensation and Tenure of Directors The director appointed from the board of county commissioners shall be appointed annually by the board of county commissioners. The first four farmer directors appointed shall be designated to serve for terms of one two three and four years respectively. Thereafter each farmer director shall serve for four years. A director shall hold office until his successor has been appointed and has qualified. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term or for a full term shall be in the same manner in which the respective retiring directors shall have been selected.

The directors appointed from the board of county commissioners shall receive no additional compensation but shall receive mileage at the rate per mile that he is allowed as a member of the board of county commissioners. The compensation of the farmer members of the Board of Directors for performing services as directors of the district shall be fixed by the board of county commissioners not to exceed a rate of five dollars per day for each calendar day they are actually engaged in the performance of their duties and mileage not to exceed a rate of five cents per mile in going and returning from places where they are required to go in the performance of their duties provided funds are made available by the board of county commissioners for this purpose.

Section 8 Organization of Directors (1) The Board of Directors of the district shall be the governing body thereof. They shall designate a chairman and may from time to time change such designation. The directors may delegate to their chairman or to one or more directors such powers and duties as they shall deem proper. The directors shall furnish to the state Board upon request copies of such rules orders contracts forms and other documents as they shall adopt or employ and such other information concerning their activities as it may require in the performance of its duties under this act. They may likewise appoint a secretary who need not be a member of the Board of Directors.

(2) The Board of Directors shall provide for the execution of surety bonds for any members or employees who shall be entrusted with funds or property shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions regulations and orders issued or adopted and shall provide for an annual audit of the accounts of receipts and disbursements.

(3) The Board of Directors may invite the legislative body of any municipality to designate a representative to advise and consult with the directors of the district on all questions of program and policy which may affect the property water supply or other interests of such municipality.

Section 9 Powers of Districts and Directors The directors of a soil conservation district shall have the following powers in addition to others granted in other sections of this act: (1) To conduct surveys investigations and research relating to the character of soil erosion and the preventive and control measures needed to publish the results of such surveys investigations or research and disseminate information concerning such preventive and control measures provided however that in order to avoid duplication of research activities no district shall initiate any research program except in cooperation with the Pennsylvania State College School of Agriculture and any agency of the state or of the United States as may be dealing with allied problems.

(2) To carry out preventive and control measures within the district including but not limited to engineering operations methods of cultivation the growing of vegetation changes in use of land and drainage operations on lands owned or controlled by this state or any of its agencies with the consent and cooperation of the agency administering and having jurisdiction thereof and on any other lands within the district upon obtaining the con-

sent of the owner and occupier of such lands or the necessary rights or interests in such lands.

(3) To cooperate or enter into agreements with and within the limits of appropriations duly made available to it by law to furnish financial or other aid to any agency governmental or otherwise or any occupier of lands within the district in carrying on of erosion-control and prevention operations including ditching and drainage operations for effective conservation and utilization of the lands within the district subject to such conditions as the directors may deem necessary to advance the purposes of this act.

(4) To obtain options upon and to acquire by purchase exchange lease gift grant bequest devise or otherwise any property real or personal or right or interests therein to maintain administer and improve any properties acquired to receive income from such properties and to expend such income in carrying out the purposes and provisions of this act and to sell lease or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act.

(5) To make available on such terms as it shall prescribe to land occupiers within the district agricultural and engineering machinery and equipment fertilizer seeds and seedlings and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the effective conservation and utilization of soil resources and for the prevention and control of soil erosion.

(6) To construct improve and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this act.

(7) To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district which plans shall specify in such detail as may be possible the acts procedures performances and avoidances which are necessary or desirable for the effectuation of such plans including the specification of engineering operations methods of cultivation the growing of vegetation cropping programs tillage practices and changes in use of land and to publish such plans and information and bring them to the attention of occupiers of lands within the district provided however that in order to avoid duplication of educational activities such plans and information shall be published in cooperation with the Pennsylvania State College School of Agriculture or with the approval of the state board.

(8) To act as agent for the United States or any of its agencies or for this Commonwealth or any of its agencies in connection with the acquisition construction operation or administration of any soil-conservation erosion-control or erosion-prevention project within its boundaries to accept appropriations donations gifts and contributions in money services materials or otherwise from the United States or any of its agencies or from the Commonwealth or any of its agencies and from any other public or private agency or person and to use or expend such moneys services materials or other contributions in carrying on its operations.

(9) To sue and be sued in the name of the district to have a seal which seal shall be judicially noticed to have perpetual succession unless terminated as herein-after provided to make and execute contracts and other instruments necessary or convenient to the exercise of its powers to make and from time to time amend and repeal rules and regulations not inconsistent with this act to carry into effect its purposes and powers.

(10) As a condition to the extending of any benefits under this act to or the performance of work upon any lands not owned or controlled by the Commonwealth or any of its agencies the Board of Directors may require contributions in money services materials or otherwise to any operations conferring such benefits and may require land occupiers to enter into and perform such agreements or covenants as to the long term use of such lands as will tend to prevent or control erosion thereon.

(11) No provisions with respect to the acquisition operation or disposition of property by other public bodies

shall be applicable to a district organized hereunder unless the legislature shall specifically so state

Section 10 Cooperation Between Districts The directors of any two or more districts organized under the provisions of this act may cooperate with one another in the exercise of any or all powers conferred in this act

Section 11 State Agencies to Cooperate Agencies of this Commonwealth which shall have jurisdiction over or be charged with the administration of any state-owned lands and of any county or other governmental subdivision of the state which shall have jurisdiction over or be charged with the administration of any county-owned or other publicly owned lands lying within the boundaries of any district organized hereunder may cooperate with the directors of such districts in the effectuation of programs and operations undertaken by the Board of Directors under the provisions of this act

Section 12 Discontinuance of Districts (1) A board of county commissioners of any county which by resolution has declared the county to be a soil conservation district may at any time after five years from the passage of said resolution and after determining that a substantial proportion of the rural land occupiers of the district so desire repeal said resolution at a regular or special meeting of said board of county commissioners This determination may be made through hearings petitions referenda or any other means which the board of county commissioners appropriate

(2) Upon the repeal of the resolution which declared the county to be a soil conservation district the directors may not enter into any more contracts or agreements on behalf of the district and all rules and regulations theretofore adopted and in force within such district shall be of no further force and effect Such district however shall continue for the purpose of fulfilling its contracts discharging any existing obligations collecting and distributing its assets and doing all other acts required to adjust and wind up its affairs

(3) Upon the repeal by the Board of county commissioners of the resolution declaring the county to be a soil conservation district the directors shall at public auction dispose of all property belonging to the district as soon as said property is no longer needed by the district to fulfill any existing contracts and shall forthwith pay over the proceeds of such sale after paying the necessary costs of the sale into the county treasury The directors shall at least ten days prior to the holding of such public auction notify the state Board of the property proposed to be sold thereat and after such sale shall render to the board of county commissioners and to the state Board a report of such sale specifying the property sold the amount received therefore and the disposition of the proceeds Such report of the sale shall also be accompanied by a list of the remaining property of the district still undisposed of

Section 13 County Commissioners' Appropriations The county commissioners of the several counties of this Commonwealth are hereby authorized to appropriate annually out of the current revenues of the county monies to the soil conservation district properly organized and functioning under the provisions of this act and located within the county The amount appropriated shall be determined at the discretion of the board of county commissioners

Section 14 State Appropriations The General Assembly of the Commonwealth shall appropriate from time to time as may be necessary monies out of the General Fund to the State Board for its use in administering the provisions of this act

Section 15 Acts Repealed The following Acts of Assembly and their amendments are hereby repealed absolutely

The act approved the second day of July one thousand nine hundred thirty-seven (P. L. 2724) entitled "An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion

and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation"

The act approved the twenty-fourth day of June one thousand nine hundred thirty-nine (P. L. 848) entitled "An act to amend clause (10) of section three sections five and six paragraphs (2) (3) (4) (6) and (11) of section eight sections nine and eleven paragraph C of section twelve and section fifteen of the act approved the second day of July one thousand nine hundred and thirty-seven (P. L. 2724) entitled 'An act relating to soil conservation and soil erosion and regulating land use practices contributing to soil wastage and soil erosion providing for the organization of soil conservation districts as governmental subdivisions of the Commonwealth with powers of enacting ordinances and regulations for the prevention and control of soil erosion and the conservation of soil resources prescribing the officers and employes thereof and defining their powers and duties creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act providing financial assistance to such soil conservation districts prescribing penalties and making an appropriation' by changing the vote necessary for the establishment of districts the making of regulations and the dissolution of districts and requiring voters to be land owners"

Section 16 Inconsistency with Other Acts Insofar as any of the provisions of this act are inconsistent with the provisions of any other law the provisions of this act shall be controlling

Section 17 Separability Clause If any provisions of this act or the application of any provision to any person or circumstances is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby

Section 18 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. GELTZ. Mr. President, I had intended to ask that this bill be referred to the Committee on Appropriations but I note there is no appropriation provided in the bill, it merely provides that "the General Assembly shall appropriate from time to time."

I therefore ask that the bill be acted upon at this time.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Celtz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1031, (House Bill No. 1346), as follows:

An Act designating certain days of each year as Arbor Days and Bird Days one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Governor each year shall appoint appropriate days to be designated as Arbor Days and shall recommend by proclamation to the people that such days be suitably observed by widespread planting of trees and shrubs and by group and community programs stressing the value and importance of trees and forests

Section 2 One of the days designated as Arbor Day shall be the ninth day of April the birthday of Dr J T Rothrock as a memorial to the "Father of Forestry in Pennsylvania" except when the ninth day of April falls on Saturday Sunday or Good Friday

Section 3 The week in which the ninth day of April in any year falls shall be designated by the Governor also by proclamation as Conservation Week in Pennsylvania during which week the citizens shall be encouraged to consider through suitable activities the broader subject of the conservation of all the natural resources from which the wealth of the Commonwealth is derived

Section 4 Each day designated and proclaimed as Arbor Day shall be known also as Bird Day and it shall be the duty of every teacher in the public schools of this Commonwealth to devote together with their pupils at least two hours of such school day to the study of birds trees and general conservation of resources and it shall be the duty of such school superintendents within the Commonwealth county city or otherwise to see to it that the requirements of this act are complied with

Section 5 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 6 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1033, (House Bill No. 1355), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the term of county and district superintendents

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1047, entitled:

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof"; providing for the administration and enforcement of said act by the Department of Labor and Industry; exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees Fahrenheit; and empowering the Department of Labor and Industry to make, alter, amend and repeal rules and regulations.

And said bill having been read at length the third time, On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I desire to interrogate the gentleman who sponsored this bill. I believe it is the gentleman from McKean, Mr. Thomas B. Wilson.

The PRESIDENT. Will the gentleman from McKean permit himself to be interrogated?

Mr. THOMAS B. WILSON. I will, Mr. President.

Mr. SHAPIRO. On page seven of the bill, section six, there is an exception made providing that the provisions of the act shall not apply to a certain group of persons who use a particular kind of petroleum solvent. Will the gentleman from McKean explain why these people are exempted from the provisions of this bill, which I assume is a safety or health act.

Mr. THOMAS B. WILSON. I can not say, Mr. President. I want to be frank, so I will state to the gentleman from Philadelphia that I cannot say. I therefore suggest that this bill go over in its order and I will confer with the gentleman from Philadelphia and go over the matter with him.

BILL OVER IN ORDER

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent that Senate Bill No. 1047, on third reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

It is agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1052, (House Bill No. 849), entitled:

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmaster's certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties

And said bill having been read at length the third time,

And the amendments made thereto having been printed

as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 1052,
(HOUSE BILL No. 849)

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1052, (House Bill No. 849) passed second reading.

The PRESIDENT. How did the Senator vote?

Mr. BARR. Mr. President, I voted "aye."

Mr. COLEMAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. COLEMAN. Mr. President, I voted "aye."

Mr. SHAPIRO. Mr. President, I desire to be recorded as voting "no" on the motion to reconsider the vote.

The PRESIDENT. The vote of the gentleman from Philadelphia will be so recorded.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to ten inclusive of the bill were severally reconsidered.

The first to the fifth sections of the bill were read and agreed to.

The sixth section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend section 6, page 8, line 24, to strike out the word "county" where it appears for the first time in the line; amend section 6, page 8, line 24, to insert after the word "the" where it appears for the second time in the line, the following: "city or"; amend section 6, page 9, line 7, to strike out the word "county" where it appears for the first time in the line; amend section 6, page 9, line 7, to insert after the word "the" where it appears the second time in the line, the following: "city or".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Will the Senate agree to the section as amended?

It was agreed to.

The seventh, eighth, ninth and tenth sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1061, (House Bill No. 811), as follows:

An Act to further amend section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" further providing for the rights of manufacturers of wine

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the nineteenth day of February one thousand nine hundred and twenty-six (P. L. 16) entitled as amended "An act regulating under permit through the Pennsylvania Liquor Control Board the manufacture production distillation development use in manufacture denaturization redistillation rectification blending recovery reuse holding in bond holding in storage by bailees for hire and transportation for hire of any alcohol alcoholic liquid or alcoholic beverage by certain persons requiring the registration of Federal permits also providing for fees and the disposition thereof and for appeals to the courts also authorizing the inspection of the records of permittees and purchasers of said alcohol alcoholic liquid and alcoholic beverages also declaring certain places nuisances and providing for their abatement also providing penalties and also repealing all acts or parts of acts inconsistent with this act" as last amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1283) and section three of the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1811) is hereby further amended to read as follows

Section 3 It shall be unlawful for any person without a license from the Commonwealth obtained as hereinafter provided except as exempted by section five hereof to manufacture produce distill develop or use in the process of manufacture denature redistill recover rectify blend reuse hold in bond hold in storage as bailee for hire or transport for hire within this Commonwealth any alcohol or alcoholic liquid except that a person may manufacture wine out of grapes grown in Pennsylvania by fermentation only and with no alcohol or alcoholic product added thereto by way of fortification and sell the same to a

licensed winery or to Pennsylvania State Stores or to distributors or importing distributors holding special licenses under the "Beverage License Law" and its amendments upon the filing by such manufacturer of a bond in the penal sum of five hundred dollars (\$500) and the security of a license at a fee of twenty dollars (\$20) per annum. The bond and license shall be under the same terms and provisions as other bonds and licenses provided for by this act. Any person may manufacture wine out of grapes grown by him without a license or without filing a bond for the purpose of selling the same to a licensed winery or to Pennsylvania State Stores or to distributors or importing distributors holding special licenses under the "Beverage License Law" and its amendments.

Section 2 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Barr,	Ealy,	Lanius,	Stiefel,
Bartlett,	Edmonds,	Letzler,	Tallman,
Becker,	Farrell,	Mallery,	Taylor,
Cavalcante,	Frey,	McCreesh,	Thomas,
Coleman,	Geltz,	McQuiddy,	Tyler,
Cox,	Haluska,	Miller,	Wade,
Crider,	Heyburn,	Ruth,	Watkins,
Crowe,	Homsher,	Scarlett,	Willson, H. L.,
Detrick,	James,	Shapiro,	Willson, T. B.,
Dent,	Jaspan,	Snowden,	Woodward,
DiSilvestro,	Kephart,	Stevenson,	Ziesenheim,

NAYS—3

Carr, Chapman, Reed.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1062, (House Bill No. 830), as follows:

An Act to further amend the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and districts attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing

penalties" changing the provisions of said act with respect to natural wines as herein defined.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections 2 3 201 401 406 subsection (b) of section 409 sections 410 411 412 413 the first paragraph of section 414 the first paragraph of section 415 sections 503 602 604 607 subsection (d) of section 609 and section 611 of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) are hereby further amended to read as follows

Section 2 Definitions The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" shall mean a partnership limited partnership or any form of unincorporated enterprise owned by two or more persons

"Board" shall mean the Pennsylvania Liquor Control Board of this Commonwealth

"Club" shall mean any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of liquor shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a clubhouse or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to issue a license if it appears that the charter is not in possession of the original incorporators or their direct or legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board shall from time to time prescribe

"Original container" shall mean all bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer or winery at the place of manufacture or production with the name and address of the manufacturer or winery of the malt or brewed beverages or natural wines contained or to be contained therein permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing the same or to a label securely affixed to a bottle

"Corporation" shall mean a corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Hotel" shall mean any reputable place operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations with meals and which in a city has at least ten and in any other

place at least six permanent bedrooms for the use of guests a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen apart from the public dining room or rooms in which food is regularly prepared for the public

The word "alcohol" means ethyl alcohol originally produced by the distillation of any fermented liquid whether rectified or diluted with or without water whatever may be the origin thereof and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol whether or not diluted that has been denatured or otherwise rendered unfit for beverage purposes

"Liquor" shall mean and include any alcoholic spirituous vinous fermented or other alcoholic beverage or combination of liquors and mixed liquor a part of which is spirituous vinous fermented or otherwise alcoholic including all drinks or drinkable liquids preparations or mixtures and reused recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than one-half of one per cent of alcohol by volume except pure ethyl alcohol malt or brewed beverages and natural wines

"Malt or Brewed Beverages" means any beer lager beer ale porter or similar fermented malt liquor containing one-half of one per centum or more of alcohol by volume by whatever name such liquor may be called

"Manufacturer" shall mean any person association or corporation engaged in the producing manufacturing distilling rectifying or compounding of liquid alcohol malt or brewed beverages and natural wines in this Commonwealth or elsewhere

"Municipality" shall mean any city borough incorporated town or township of this Commonwealth

"Natural Wines" shall mean any beverage obtained by the natural fermentation only of the sugar contents of fruits or other agricultural products containing sugar or by adding sugar and to which no alcohol or alcoholic product has been added by way of fortification and which contains one-half of one per centum or more of alcohol by volume

"Package" shall mean any container or containers or receptacle or receptacles used for holding liquor or alcohol as marketed by the manufacturer

"Person" Every natural person association or corporation Whenever used in a clause prescribing or imposing a fine or imprisonment or both the term "person" as applied to "association" shall mean the partners or members thereof and as applied to "corporation" shall mean the officers thereof except as to incorporated clubs the term "person" shall mean such individual or individuals who under the by-laws of such club shall have jurisdiction over the possession and sale of liquor therein

"Restaurant" shall mean a reputable place operated by responsible persons of good reputation and habitually and principally used for the purpose of providing food for the public the place to have an area within a building of not less than four hundred square feet equipped with tables and chairs accommodating at least thirty persons at one time

"Sale" or "Sell" shall include any transfer of liquor alcohol malt or brewed beverages or natural wines for a consideration "Winery" shall mean and include all persons holding licenses issued by the board to engage in the production transportation and sale of natural wines and all persons engaged in the local production of natural wines within the territorial limits of the United States outside the Commonwealth of Pennsylvania

Section 3 Interpretation of Act. (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public welfare health peace and morals of the people of the Commonwealth and to prohibit forever the open saloon and all of the provisions of this act shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared

to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

(c) Except as otherwise expressly provided the purpose of this act is to prohibit transactions in liquor alcohol malt or brewed beverages and natural wines which take place in this Commonwealth except by and under the control of the board as herein specifically provided and every section and provision of the act shall be construed accordingly The provisions of this act dealing with the importation sale and disposition of liquor alcohol malt or brewed beverages and natural wines within the Commonwealth through the instrumentality of the board and otherwise provide the means by which such control shall be made effective This act shall not be construed as forbidding affecting or regulating any transaction which is not subject to the legislative authority of this Commonwealth

(d) Any reference in this act to the provisions of law on any subject shall apply to statutes becoming effective after the effective date of this act as well as to those then in existence

(e) Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and the neuter

Section 201 General Powers of Board Under this act the board shall have the power and its duty shall be

(a) To buy import or have in its possession for sale and sell liquor and alcohol in the manner set forth in this act

Provided however That all purchases shall be made subject to the approval of the Auditor General or his designated deputy

(b) To control the manufacture production possession sale consumption importation use transportation and delivery of liquor alcohol malt or brewed beverages and natural wines in accordance with the provisions of this act and to fix the wholesale and retail prices at which liquors and alcohol shall be sold at Pennsylvania liquor stores Provided That in fixing sale prices the board shall not give any preference or make any discrimination as to classes brands or otherwise except where special sales are deemed necessary to move unsalable merchandise The board shall require each Pennsylvania manufacturer and each non-resident manufacturer of liquors other than wine selling such liquors to the board which are not manufactured in this Commonwealth to make application for and be granted a permit by the board before such liquors not manufactured in this Commonwealth shall be purchased from such manufacturer Each such manufacturer shall pay for such permit a fee which in the case of a manufacturer of this Commonwealth shall be equal to that required to be paid if any by a manufacturer or wholesaler of the state territory or country of origin of the liquors for selling liquors manufactured in Pennsylvania and in the case of a nonresident manufacturer shall be equal to that required to be paid if any in such state territory or country by Pennsylvania manufacturers doing business in such state territory or country In the event that any such manufacturer shall in the opinion of the board sell or attempt to sell liquors to the board through another person for the purpose of evading this provision relating to permits the board shall require such person before purchasing liquors from him or it to take out a permit and pay the same fee as hereinbefore required to be paid by such manufacturer All permit fees so collected shall be paid into the State Stores Fund The board shall not purchase any liquor fermented distilled rectified compounded or bottled in any state territory of country the laws of which result in prohibiting the importation therein of liquors fermented distilled rectified compounded or bottled in Pennsylvania

(c) To determine the municipalities within which Pennsylvania Liquor Stores shall be established and the locations of the stores within such municipalities

(d) To grant issue suspend and revoke all licenses and permits authorized to be issued under this act and the regulations of the board

(e) Through the Department of Property and Supplies

as agent to lease and furnish and equip such buildings rooms and other accommodations as shall be required for the operation of this act

(f) To appoint fix the compensation and define the powers and duties of such managers officers inspectors examiners clerks and other employes as shall be required for the operation of this act subject to the provisions of The Administrative Code of 1929 except as otherwise provided in this act

Such employes of the board as are designated "enforcement officer" or "investigators" are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view except in private homes without warrant any person actually engaged in the unlawful sale importation manufacture production or transportation or having unlawful possession of liquor alcohol or malt or brewed beverages or natural wines contrary to the provisions of this act or any other law of this Commonwealth Such officers and investigators shall have power and authority upon reasonable and probable cause to search for and to seize without warrant or process except in private homes any liquor alcohol malt or brewed beverages and natural wines unlawfully possessed manufactured sold imported or transported and any stills equipment materials utensils vehicles boats vessels animals aircraft or any of them which are or have been used in the unlawful manufacture sale importation or transportation of the same Such liquor alcohol malt or brewed beverages natural wines stills equipment materials utensils vehicles boats vessels animals or aircraft so seized shall be disposed of as hereinafter provided

(g) To determine the nature form and capacity of all packages and original containers to be used for containing liquor alcohol or malt or brewed beverages or natural wines any other law to the contrary notwithstanding

(h) Without in any way limiting or being limited by the foregoing to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this act and the regulations made thereunder

Section 401 Authority to Issue Liquor Licenses to Hotels Restaurants and Clubs (a) Subject to the provisions of this act and regulations promulgated under this act the board shall have authority to issue a liquor license for any premises kept or operated by a hotel restaurant or club and specified in the license entitling the hotel restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and subject to the provisions of this act and the regulations made thereunder to sell the same and also malt or brewed beverages and natural wines to guests patrons or members for consumption on the hotel restaurant or club premises Such licenses other than clubs shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and natural wines in quantities of not more than one hundred twenty-eight fluid ounces in a single sale to one person Such licenses shall be known as hotel liquor licenses restaurant liquor licenses and club liquor licenses respectively No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any hotel or restaurant liquor license nor shall such a person have any interest directly or indirectly in any such license

Section 406 All Licensees to Furnish Bond A liquor license shall not be granted and issued to any hotel restaurant or club until the applicant therefor has filed with the board an approved bond payable to the Commonwealth of Pennsylvania in the amount of two thousand dollars (\$2,000) Such bond shall have as surety a duly authorized surety company or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the

same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such a bond and when securities have been deposited as collateral with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcoholic liquors alcohol malt or brewed beverages and natural wines Such bond shall be filed with and retained by the board Every such bond shall be turned over to the Department of Justice to be collected if and when the licensee's license shall have been revoked and his bond forfeited as provided in this act

Section 409 License Year Renewal of Licenses

* * * * *

(b) All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter Unless the board shall have given ten days' previous notice of objections to the renewal of his license based upon violation by the licensee or his servants agents or employes of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol malt or brewed beverages or natural wines or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act and the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new approved bond and shall pay the requisite application fee and license fee specified in this act

Section 410 Revocation and Suspension of License Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol malt or brewed beverages or natural wines or of any regulations of the board adopted pursuant to such laws or any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor or malt brewed beverages or natural wines by any licensee his officers servants agents or employes or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citation shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any

other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor malt or brewed beverages or natural wines until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within said year In all such cases the board shall file of record at least a brief statment in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses Such appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension. In the case of hotel restaurant and club licensees the offer in compromise shall be at the rate of ten dollars for each day of suspension and in the case of importers and sacramental wine licensees the offer in compromise shall be at the rate of thirty dollars per day No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of one hundred days

Section 411 Sales of Liquor by Licensees Every hotel restaurant or club licensee may sell liquor malt or brewed beverages and natural wines by the glass open bottle or other container and in any mixture for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons and in the case of hotels to guests and in the case of clubs to members in their private rooms in the hotel or club No club licensee nor its officers servants agents or employees other than one holding a catering license shall sell any liquor malt or brewed beverages or natural wines to any person except a member of the club No club holding a catering license nor its officers servants agents or employees shall sell on Sunday to non-members any liquor malt or brewed beverages or natural wines In the case of a restaurant located in a hotel which is not operated by the owner of the hotel and which is licensed to sell liquor under this act liquor may be sold for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel

Hotel restaurant and public service licensees their servants agents or employees may sell liquor malt or brewed beverages and natural wines only after seven o'clock antemeridian of any week day and until two o'clock antemeridian of the following week day and shall not sell on Sunday or after two o'clock antemeridian on any day on which a general municipal special or primary election is being held until one hour after the time fixed by law for closing the polls No club licensee or its servants agents or employees may sell liquor malt or brewed beverages or natural wines between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

The board may with the approval of the Governor temporarily close all licensed places within any municipality during any period of emergency proclaimed to be such by the Governor

The board may with the approval of the Governor advance by one hour the hours herein prescribed as those during which liquor malt or brewed beverages and natural wines may be sold in any municipality during such part of the year when daylight saving time may be observed generally in such municipality

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt

or brewed beverages and natural wines at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than seventy-two fluid ounces in a single sale to one person and natural wines in quantities of not more than one hundred twenty-eight fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages and natural wines only

Section 413 Public Service Liquor Licenses Subject to the provisions of this act and regulations promulgated under this act the board upon application shall issue liquor licenses to railroad or pullman companies permitting liquor malt or brewed beverages and natural wines to be sold in dining club or buffet cars to passengers for consumption while en route on such railroad and may issue liquor licenses to steamship companies permitting liquor malt or brewed beverages or natural wines to be sold in the dining compartments of steamships or vessels wherever operated in the Commonwealth except when standing or moored in stations terminals or docks within a municipality wherein sales of liquor for consumption on the premises are prohibited Such licenses shall be known as public service liquor licenses The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated in any one day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of twenty dollars for each extra car so operated

For the purpose of considering an application by a steamship company for a public service liquor license the board may cause an inspection of the steamship or vessel for which a license is desired The board may in its discretion grant or refuse the license applied for and there shall be no appeal from its decision except that an action of mandamus may be brought against the board in the manner provided by law

Every applicant for a public service liquor license shall before receiving such license pay to the board for each of the maximum number of dining club or buffet cars which the applicant estimates it will have in operation on any one day an annual fee of twenty dollars (\$20) and for each steamship or vessel for which a license is desired an annual fee of one hundred dollars (\$100)

A public service liquor license shall not be granted and issued to any railroad pullman or steamship company until the applicant therefor has filed with the board a surety bond similar to that required to be filed by a hotel restaurant or club licensee under this act except that in the case of a railroad or pullman company such bond shall cover every dining club or buffet car of such company operated under a license issued under this section

Unless previously revoked every license heretofore issued by the board under this section shall expire and terminate on the thirty-first day of December in the year for which the license is issued Licenses issued under the provisions of this section shall be renewed annually as herein provided upon the filing of applications in such form as the board shall prescribe but no license shall be renewed until the applicant shall file with the board a new surety bond and shall pay the requisite license fee specified in this section

Sales of liquor malt or brewed beverages and natural wines by public service company licensees shall be made in accordance with and shall be subject to the provisions of this act relating to the sale of liquors by restaurant licensees

Section 414 Sacramental Wine Licenses Every applicant for a sacramental wine license shall file a written application with the board in such form as the board

shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of this Commonwealth and the regulations of the board relating to liquor alcohol malt or brewed beverages and natural wines Every such application shall contain a description of the premises for which the applicant desires a license and shall set forth such other material information as may be required by the board

Section 415 Importers' Licenses Every applicant for an importer's license shall file a written application with the board in such form as the board shall from time to time prescribe which shall be accompanied by a filing fee of ten dollars a license fee of one hundred dollars and a surety bond in the sum of ten thousand dollars conditioned for the faithful observance by the licensee of all the laws of the Commonwealth and the regulations of the board relating to liquor alcohol malt or brewed beverages and natural wines Every such application shall contain a description of the principal place of business for which the applicant desires a license and shall set forth such other material information as may be required by the board

Section 503 Unlawful to Sell Liquor for Consumption in Certain Local Option Areas It shall be unlawful for any person firm or corporation to sell liquor for consumption on the premises of any hotel restaurant club or other place after the expiration of his existing license in any local option area where the electors have voted against such sales but the sale of malt or brewed beverages or natural wines by retailers shall not be unlawful in such areas unless the electors have also voted to prohibit such sales as provided in the Beverage License Law

Section 602 Unlawful Acts (1) Except as provided in this act it shall be unlawful for any person by himself or by an employe or agent to expose or keep for sale or directly or indirectly or upon any pretense or upon any device to sell or offer to sell any liquor within this Commonwealth but this clause shall not be construed to prohibit hospital physicians dentists or veterinarians who are licensed and registered under the laws of this Commonwealth from administering liquor in the regular course of their professional work and taking into account the cost of the liquor so administered in making charges for their professional service or a pharmacist duly licensed and registered under the laws of this Commonwealth from dispensing liquor on a prescription of a duly licensed physician dentist or veterinarian or selling medical preparations containing alcohol or using liquor in compounding prescriptions or medicines and making a charge for the liquor used in such medicines or a manufacturing pharmacist or chemist from using liquor in manufacturing preparations unfit for beverage purposes and making a charge for the liquor so used All such liquors so administered or sold by hospitals physicians dentists veterinarians pharmacists or chemists shall conform to the Pharmacopoeia of the United States the National Formulary or the American Homeopathic Pharmacopoeia

(2) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first one thousand nine hundred and thirty-four or has not been purchased from a Pennsylvania Liquor Store or in accordance with the board's regulations The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired But nothing herein contained shall prohibit the manufacture or possession of wine any person in his home for consumption of himself his family and guests and not for sale not exceeding during any one calendar year two hundred gallons any other law to the contrary notwithstanding Such wine shall not be manufactured possessed offered for sale or sold on any licensed premises

(3) It shall be unlawful for any person within this

Commonwealth by himself or by an employe or agent to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any liquor or alcohol from any person or source other than a Pennsylvania Liquor Store except in accordance with the provisions of this act or the regulations of the board

(4) It shall be unlawful for any person except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license or a priest clergyman or rabbi who has purchased wine from the holder of a sacramental wine license to have or keep any liquor within the Commonwealth unless the package (except the decanter or other receptacle containing liquor for immediate consumption) in which the liquor is contained has while containing that liquor been sealed with the official seal of the board The use of decanters or other similar receptacles by licensees shall be permitted only in the case of wines and then only in accordance with the regulations of the board but nothing herein contained shall prohibit the manufacture and possession of wine as provided in clause (b) of this section

(5) It shall be unlawful for any licensee or the board or any employe servant or agent of such licensee or of the board to sell furnish or give any liquor malt or brewed beverages or natural wines or to permit any liquor malt or brewed beverages or natural wines to be sold furnished or given to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits

(6) It shall be unlawful for any licensee his agent servant or employe to sell or offer to sell or purchase or receive any liquor malt or brewed beverages or natural wines except for cash excepting credit extended by a hotel or club to a bona fide guest or member No right of action shall exist to collect any claim for credit extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for package or original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor if such original containers or packages have been returned to the licensee Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for liquor malt or brewed beverages or natural wines sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the liquor malt or brewed beverages or natural wines so sold are actually transported and delivered to points outside of the Commonwealth Provided however That as to all transactions affecting malt or brewed beverages or natural wines to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

(7) It shall be unlawful for any licensee or the board or any employe servant or agent of a licensee or of the board to sell offer to sell or furnish any liquor malt or brewed beverages or natural wines to any person on a passbook or store order or to receive from any person any goods wares merchandise or other articles in exchange for liquor or malt or brewed beverages

(8) It shall be unlawful for any person to hawk or peddle any liquor in this Commonwealth

(9) It shall be unlawful for any licensee or his servants agents or employes except a manufacturer on his own premises to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which the licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatever relating to liquor malt or brewed beverages or natural wines unless the actual value of such advertisement if hereafter erected shall not be more than twenty-five dollars No sign or advertisement leased furnished or sold by a manufacturer importer importing distributor or distributor shall contain thereon anything except the trade name trade-mark or place of manu-

facture of the liquor or malt or brewed beverages manufactured or sold by him

(10) It shall be unlawful for any manufacturer or licensee or his servants agents or employees to hereafter give furnish lease or sell or for any other licensee to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular liquor malt or brewed beverages or natural wines or the manufacturer producer or place of manufacture or production of any liquor or malt or brewed beverages unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars (\$10) It shall be unlawful for any licensee to display or permit to be displayed any window or exterior advertising except in accordance with the regulations of the board

(11) It shall be unlawful for any licensee his servants agents or employees to advertise or hold out for sale any liquor malt or brewed beverages or natural wines by trade name or other designation which would indicate the manufacturer or place of production of the said liquor malt or brewed beverages or natural wines unless he shall actually have on hand and for sale a sufficient quantity of the particular liquor malt or brewed beverages or natural wines so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(12) It shall be unlawful for any licensee his agents servants or employees to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(13) It shall be unlawful for any licensee or his servant agents or employees to transport sell deliver or purchase any malt or brewed beverages or natural wines upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or natural wines or which refer in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverage was produced This clause shall not be construed to prohibit a manufacturer from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages or natural wines intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage or natural wines must be stated upon the package

(14) It shall be unlawful for any licensee except club licensees to permit in any licensed premises or in any place operated in connection therewith dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall first have obtained from the board a special permit to provide such entertainment or for any licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether a permit to provide entertainment has been obtained or not The board shall have power to provide for the issue of such special permits and to collect a fee for such permits equal to one-fifth of the annual license fee but not less than twenty-five dollars (\$25) All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in additionn to the penalty herein provided subject the licensee to suspension or revocation of his permit and his liquor license

(15) It shall be unlawful for any manufacturer or other licensee to issue publish or post or cause to be issued published or posted any advertisement of any malt or brewed beverage or natural wines including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverage or natural wine manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war

strength" or similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage or natural wine on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage or natural wine advertised or labeled contrary to the provisions of this clause

(16) It shall be unlawful for any retail licensee his agents servants or employees to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(17) It shall be unlawful for any person to have alcohol in his possession except in accordance with this act and the regulations of the board

(18) It shall be unlawful for any hotel restaurant or club licensee or any servant agent or employee of such licensee to be at the same time employed directly or indirectly by any other person engaged in the manufacture sale transportation or storage of liquor malt or brewed beverages natural wines or alcohol

(19) It shall be unlawful for any licensee to fail to keep on the licensed premises for a period of at least two years complete and truthful records covering the operation of his licensed business particularly showing the date of all purchases of liquor malt or brewed beverages and natural wines the actual price paid therefor and the name of the vendor including State store receipts or to refuse the board or an authorized employee of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(20) It shall be unlawful for any hotel restaurant or club licensee to employ any minor or to permit any minor to render any service whatever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

(21) It shall be unlawful for any hotel restaurant or club licensee his servants agents or employees to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

(22) It shall be unlawful for any licensee or his servants agents or employees to cash pay roll checks except in accordance with board regulations

(23) It shall be unlawful for any restaurant hotel or club licensee his servants agents or employees to fail to break any package in which liquors were contained within twenty-four hours after the original contents were removed therefrom

(24) It shall be unlawful for any licensee his servants agents or employees to give furnish trade barter serve or deliver any liquor malt or brewed beverages or natural wines to any person during hours or on days when the licensee is prohibited by this act from selling liquor malt or brewed beverages or natural wines

(25) It shall be unlawful for any licensee or any officer director stockholder servant agent or employee of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to any hotel restaurant or club licensees licensed under this act or to any importing distributor distributors package retailers or retail dispensers licensed under any other act of this Commonwealth relating to liquor malt or brewed beverages or natural wines

(26) It shall be unlawful for any restaurant or hotel licensee his servants agents or employees to sell any liquor malt or brewed beverages or natural wines for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a hotel licensee or a restaurant licensee when the restaurant is located in a hotel from selling liquor malt or brewed be-

erages or natural wines in any room of such hotel occupied by a bona fide guest

(27) It shall be unlawful for any restaurant hotel or club licensee or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell liquor malt or brewed beverages or natural wines except in the interior of the licensed premises where the display cannot be seen from the outside the price at which liquor malt or brewed beverages or natural wines will be sold by him

(28) It shall be unlawful for any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to inspect completely the entire licensed premises at any time during which the premises are open for the transaction of business

(29) It shall be unlawful for any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of liquor malt or brewed beverages or natural wines or any other commodity manufactured or sold by the licensee

(30) It shall be unlawful for any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employer or principal to purchase or contract to purchase liquor malt or brewed beverages or natural wines from the donor of such gift or to influence such employers or principals to refrain from dealing or contracting to deal with other licensees

Section 604 Things of Value Not to be Offered It shall be unlawful for any licensee or the board or any manufacturer or any employe or agent of a manufacturer licensee or of the board to offer to give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing liquor malt or brewed beverage or natural wine or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of liquor malt or brewed beverage or natural wine or for any other purpose whatsoever in connection with the sale of such liquor malt or brewed beverage or natural wine or for any licensee manufacturer or other person to offer or give to trade or consumer buyers any prize premium gift or other similar inducement except advertising novelties of nominal value which the board shall define Provided however That this section shall not apply to the return of any monies specifically deposited for the return of the original containers to the owners thereof

Section 607 Restrictions on Members and Employes of the Board (a) A member or employe of the board shall not be directly or indirectly interested or engaged in any other business or undertaking dealing in liquor alcohol malt or brewed beverages or natural wines whether as owner part owner partner member of syndicate shareholder agent or employe and whether for his own benefit or in a fiduciary capacity for some other person

(b) No members or employe of the board nor any employe of the Commonwealth shall solicit or receive directly or indirectly any commission remuneration or gift whatsoever from any person having sold selling or offering liquor or alcohol for sale to the board for use in Pennsylvania Liquor Stores

(c) It shall be unlawful for any person selling or offering to sell liquor or alcohol to or purchasing at wholesale liquor or alcohol from the board either directly or indirectly to pay or offer to pay any commission profit or remuneration or to make or offer to make any gift to any member or employe of the board or other employe of the Commonwealth or to anyone on behalf of such member or employe

• • • • •

Section 609 Interlocking Business Prohibited

(d) Excepting as herein provided no hotel licensee restaurant licensee or club licensee and no officer director stockholder agent or employe of any such licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or the equipment of any property or any mortgage lien against the same used by a manufacturer in manufacturing liquor malt or brewed beverages or natural wines nor shall any hotel restaurant or club licensee or any officer director stockholder agent or employe of any such licensee either directly or indirectly lend any moneys credit or give anything of value or the equivalent thereof to any manufacturer for equipping fitting out or maintaining and conducting either in whole or in part an establishment used for the manufacture of liquor or malt or brewed beverage

Section 611 Forfeiture of Property Illegally Possessed or Used (a) No property rights shall exist in any liquor alcohol malt or brewed beverage or natural wine illegally possessed or in any still equipment material utensil vehicle boat vessel animals or aircraft used in the illegal manufacture or illegal transportation of liquor alcohol malt or brewed beverages or natural wines and the same shall be deemed contraband and shall be forfeited to the Commonwealth No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process

(b) If upon petition as hereinafter provided and hearing before the court of quarter sessions it appears that any liquor alcohol malt or brewed beverage or natural wine was so illegally possessed or property so used in the illegal manufacture production or transportation of liquor alcohol malt or brewed beverage or natural wine such liquor alcohol malt or brewed beverage natural wine or property shall be adjudged forfeited and condemned and shall be disposed of as hereinafter provided unless the court shall otherwise order

(1) Upon the conviction of any person of a violation of any of the provisions of this act the court shall order the sheriff to destroy all such condemned liquor alcohol malt or brewed beverage or natural wine and property seized or obtained from such defendants except that the court may order the liquor alcohol malt or brewed beverages or natural wines or any part thereof to be delivered to a hospital for its use and make return to the court of compliance with said order Except that any vehicle container boat vessel animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided

(2) In any case in which (I) the defendant is acquitted of a violation of this act and denies the ownership or possession thereof or (II) no claimant appears for same or (III) appearing is unable to sustain his claim therefor the court shall order all such condemned liquor alcohol malt or brewed beverages and natural wines and property (except vehicles boats vessels containers animals and aircraft) publicly destroyed by the sheriff except that the court may order the liquor alcohol malt or brewed beverages and natural wines or any part thereof to be delivered to a hospital for its use Return of compliance with said order shall be made by the sheriff to the court

(3) In the case of any vehicle boat vessel container animal or aircraft seized under the provisions of this act and condemned the court shall order the same to be delivered to the board for its use or for sale or disposition by the board in its discretion Notice of such sale shall be given in such manner as the board may prescribe The proceeds of such sale shall be paid into the State Stores Fund

(c) In addition to the foregoing provisions the court may in its order of condemnation and in every conviction under this act where it shall appear that liquor alcohol malt or brewed beverages or natural wines were unlawfully transported in a motor vehicle declare that the license issued by the Department of Revenue for any motor vehicle so forfeited and condemned or issued to any defendant convicted of transporting liquor alcohol malt or brewed beverages or natural wines in any motor vehicle shall be forfeited and revoked and it shall be the duty of the clerk of the court in which such conviction

tion is had and order of condemnation made to certify such conviction to the Secretary of Revenue who shall suspend or revoke the license issued for such motor vehicle. Provided That a license may be issued for such motor vehicle to the board or to any purchaser of the vehicle after the sale thereof as above provided.

(d) (1) The proceedings for the forfeiture or condemnation of all property shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of quarter sessions verified by oath or affirmation of any officer or citizen containing the following (I) A description of the property so seized (II) a statement of the time and place where seized (III) the owner if known (IV) the person or persons in possession if known (V) an allegation that the same had been possessed or used or was intended for use in violation of this act (VI) and a prayer for an order of forfeiture that the same be adjudged forfeited to the Commonwealth unless cause be shown to the contrary.

(2) A copy of said petition shall be served personally on said owner if he can be found within the jurisdiction of the court or upon the person or persons in possession at the time of the seizure thereof. Said copy shall have endorsed thereon a notice as follows:

"To the Claimant of Within Described Property
You are required to file an answer to this petition setting forth your title in and right to possession of said property within fifteen (15) days from the service hereof and you are also notified that if you fail to file said answer a decree of forfeiture and condemnation will be entered against said property."

Said notice shall be signed by petitioner or his attorney or the district attorney or the Attorney General.

(3) If the owner of said property is unknown or outside the jurisdiction of the court and there was no person in possession of said property when seized or such person so in possession can not be found within the jurisdiction of the court, notice of said petition shall be given by an advertisement in only one newspaper of general circulation published in the county where such property shall have been seized once a week for two (2) successive weeks. No other advertisement of any sort shall be necessary any other law to the contrary notwithstanding. Said notice shall contain a statement of the seizure of said property with a description thereof, the place and date of seizure and shall direct any claimants thereof to file a claim therefor on or before a date given in said notice which date shall not be less than ten (10) days from the date of the last publication.

(4) Upon the filing of any claim for said property setting forth a right of possession thereof, the case shall be deemed at issue and a time be fixed for the hearing thereof.

(5) At the time of said hearing if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show (I) that he is the owner of said property (II) that he lawfully acquired the same and (III) that it was not unlawfully used or possessed. In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor, alcohol, malt or brewed beverage or natural wine or still equipment, material, utensil, vehicle, boat, vessel, container, animal or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant but if it appears that the property was unlawfully used, it shall be destroyed or be turned over to the board (as the case may be) as hereinabove provided.

(e) The provisions of this section shall apply to the disposition of any liquor, alcohol, malt or brewed beverage or natural wine or property in the custody of the law or of any officer at the time of the passage of this act.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Shapiro,	Wilson, T. B.,
Deltrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,	Stiefel,	

NAYS—4

Carr,	Chapman,	Lantus,	Reed,
-------	----------	---------	-------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1063, (House Bill No. 831) as follows:

An Act to re-enact and further amend the title and the act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture, transportation, sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title of and the entire act approved the third day of May one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture, transportation, sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" as last re-enacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1827) are hereby re-enacted and further amended to read as follows:

An Act to regulate and restrain the traffic in malt and brewed beverages and natural wines as herein defined

providing for the licensing of the manufacture transportation sale and distribution of such beverages and wines imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages or wines may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts

Section 1 Short Title This act shall be known and may be cited as the "Beverage License Law"

Section 2 Definitions The following words and terms as used in this act shall be construed as defined in this section

(a) The term "malt or brewed beverage" means any beer lager beer ale porter or similar fermented malt or brewed beverage containing one-half of one per centum or more of alcohol by volume by whatever name such malt or brewed beverage may be called

(b) The word "person" means and includes natural persons associations partnerships and corporations

(c) The word "manufacturer" means and includes all persons holding licenses issued by the board to engage in the manufacture transportation and sale of malt or brewed beverages also all persons engaged in the legal manufacture of malt or brewed beverages within the territorial limits of the United States outside the Commonwealth of Pennsylvania

(d) The term "distributor" means and includes persons licensed by the board to engage in the purchase only from Pennsylvania manufacturers and from importing distributors and the resale of malt or brewed beverages or of malt or brewed beverages and natural wines except to importing distributors and distributors in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold

(e) The term "importing distributor" means and includes persons licensed by the board to engage in the purchase from manufacturers and other persons located outside this Commonwealth and from persons licensed as manufacturers and importing distributors under this act and the resale of malt or brewed beverages or malt or brewed beverages and natural wines in the original sealed containers as prepared for the market by the manufacturer at the place of manufacture but not for consumption on the premises where sold

(g) The term "retail dispenser" means and includes persons licensed to engage in the retail sale of malt or brewed beverages and natural wines for consumption on the premises of such licensee with the privilege of selling malt or brewed beverages in quantities not in excess of seventy-two fluid ounces and natural wines in quantities not in excess of one hundred twenty-eight fluid ounces in a single sale to one person to be carried from the premises by the purchaser thereof

(g) The term "original containers" means and includes bottles casks kegs or other suitable containers that have been securely capped sealed or corked by the manufacturer or winery at the place of manufacture or production with the name and address of the manufacturer or winery permanently affixed to the bottle cask keg or other container or to the cap or cork used in sealing same or to a label securely affixed to a bottle

(h) The term "license" means and includes both the person making the application therefor and the premises upon which the privileges of the license are to be exercised and includes licenses issued under the provisions of this act

(i) "Eating place" means a premise where food is regularly and customarily prepared and sold having a total area of not less than three hundred square feet available to the public in one or more rooms other than living quarters and equipped with tables and chairs accommodating thirty persons at one time

(j) "Club" means any reputable group of individuals associated together not for profit for legitimate purposes of mutual benefit entertainment fellowship or lawful convenience having some primary interest and activity to which the sale of malt and brewed beverages or natural wines shall be only secondary which if incorporated has been in continuous existence and operation for at least one year and if first licensed after the effective date of these amendments shall have been incorporated in this Commonwealth and if unincorporated for at least ten years immediately preceding the date of its application for a license under this act and which regularly occupies as owner or lessee a club house or quarters for the use of members Continuous existence must be proven by satisfactory evidence The board shall refuse to grant a license if it appears that the charter is not in possession of the original incorporators or their direct and legitimate successors The club shall hold regular meetings conduct its business through officers regularly elected admit members by written application investigation and ballot and charge and collect dues from elected members and maintain such records as the board may prescribe

(k) "Board" means the Pennsylvania Liquor Control Board of this Commonwealth

(l) As used in this act the singular shall include the plural and the masculine gender shall include the feminine and neuter

(m) The term "manufacturer" shall mean and include all means methods and processes used employed and made use of to produce make and manufacture for commercial purposes malt or brewed beverages from raw materials

(n) "Hotel" shall mean any reputable establishment operated by responsible persons of good reputation where the public may for a consideration obtain sleeping accommodations and meals and which in a city has at least ten and in any other place at least six permanent bedrooms for the use of guests and a public dining room or rooms operated by the same management accommodating at least thirty persons at one time and a kitchen in which food is regularly prepared for the public apart from the public dining room or rooms

(o) The term "sale" or "sell" shall include any transfer of malt or brewed beverages or natural wines for a consideration

(p) "Natural wines" shall mean any beverage obtained by the natural fermentation only of the sugar contents of fruits or other agricultural products containing sugar or by adding sugar and to which no alcohol or alcoholic product has been added by way of fortification and which contains one-half of one per centum or more of alcohol by volume

(g) "Special license" shall mean a license issued to a distributor or importing distributor authorizing him to sell natural wines

(r) "Winery" shall mean and include all persons holding licenses issued by the board to engage in the production transportation and sale of natural wines and all persons engaged in the legal production of natural wines within the territorial limits of the United States outside the Commonwealth of Pennsylvania

Section 3 Sales for Consumption on the Premises It shall be unlawful for any person to sell to another for consumption upon the premises where sold or to permit another to consume upon the premises where sold any malt or brewed beverages or natural wines unless such person holds a valid retail dispenser license issued under this act permitting such sale or a valid license issued under any other act authorizing the sale of spirituous and vinous liquors and malt or brewed beverages for consumption upon such premises

Section 4 Sales Not for Consumption on the Premises It shall be unlawful for any person to sell to another except as herein otherwise provided in the case of retail dispensers or as may be otherwise authorized by law any malt or brewed beverages or natural wines not for consumption upon the premises where sold unless such person holds a valid license issued under this act permitting such sale

Section 5 Manufacturers' Distributors' and Importing

Distributors' Licenses (a) It shall be unlawful for any person to manufacture or produce malt or brewed beverages or natural wines unless such person holds a valid manufacturer's license issued by the board. The board shall issue to any person a resident of this Commonwealth of good repute who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a manufacturer's license to produce and manufacture malt or brewed beverages or natural wines and to transport sell and deliver malt or brewed beverages or natural wines at or from one or more places of manufacture or storage only in original containers in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth. Each individual applicant for manufacturer's license and in the case of partnerships and associations each member thereof shall be a citizen of the United States and have been residents of this Commonwealth at least two years prior to the date of their respective applications. In the case of corporations organized or registered under the laws of this Commonwealth it must appear that all of the officers and directors and the owners of at least fifty-one per centum of the capital stock of the corporation are citizens of the United States and have for a period of at least two years prior to the date of application been residents of this Commonwealth. Licenses for places of storage shall be limited to those maintained by manufacturers on July 18 1935 and thereafter the board shall issue no licenses for places of storage in addition to those maintained on July 18, 1935. The application for such licenses shall be in such form and contain such information as the board shall require. All such licenses shall be granted for the calendar year. Every manufacturer shall keep at his or its principal place of business within the Commonwealth daily permanent records which shall show (a) the quantities of raw materials received and used in the manufacture of malt or brewed beverages and the quantities of malt or brewed beverages manufactured and stored (b) the sales of malt or brewed beverages (c) the quantities of malt or brewed beverages stored for hire or transported for hire by or for the licensee and (d) the names and addresses of the purchasers or other recipients thereof. Every place licensed as a manufacturer shall be subject to inspection by members of the board or by persons duly authorized and designated by the board at any and all times of the day or night as they may deem necessary (a) for the detection of violations of this act or of the rules and regulations of the board or (b) for the purpose of ascertaining the correctness of the records required to be kept by licensees. The books and records of such licensees shall at all times be open to inspection by members of the board or by persons duly authorized and designated by the board. Members of the board and its duly authorized agents shall have the right without hindrance to enter any place which is subject to inspection hereunder or any place where such records are kept for the purpose of making such inspections and making transcripts thereof.

(b) The board shall issue to any reputable person who applies therefor pays the license fee hereinafter prescribed and files the bond hereinafter required a distributor's or importing distributor's license for the place which said person desires to maintain for the sale of malt or brewed beverages or natural wines not for consumption on the premises where sold and in quantities of not less than two hundred eighty-eight fluid ounces and in original containers as prepared for the market by the manufacturer at the place of manufacture. Such licenses shall be issued only to reputable individuals partnerships and associations who are or whose members are citizens of the United States and have for two years prior to the date of their applications been residents of the Commonwealth of Pennsylvania or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania. Such licenses shall be issued to corporations duly organized or registered under the laws of the Commonwealth of Pennsylvania only when it appears that all of the officers and directors of the corporation are citizens of the United States and

have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and that at least fifty-one per centum of the capital stock of such corporation is actually owned by individuals who are citizens of the United States and have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application. Such license shall authorize the holder thereof to sell or deliver malt or brewed beverages in quantities of not less than two hundred eighty-eight fluid ounces anywhere within the Commonwealth of Pennsylvania which in the case of distributors have been purchased only from persons licensed under this act as manufacturers or importing distributors and in the case of importing distributors have been purchased from manufacturers or persons outside this Commonwealth engaged in the legal sale of malt or brewed beverages or natural wines or from manufacturers or importing distributors licensed under this act.

(c) The board shall issue to any person to whom it shall issue a distributor's or importing distributor's license and who applies therefor and pays the additional license fee hereinafter required a special distributor's license or a special importing distributor's license as the case may be for the place covered by the distributor's or importing distributor's license. Such special license shall authorize the holder thereof to sell or deliver natural wines not for consumption on the premises where sold anywhere within the Commonwealth of Pennsylvania which have been purchased from a licensed winery or from an importing distributor holding a special license under this act or from any Pennsylvania Liquor Store. Importing distributors may purchase natural wines only from the persons from whom distributors may purchase and in addition thereto from producers and persons outside this Commonwealth engaged in the legal sale of natural wines.

Section 6 Retail Dispenser's Licenses (a) Subject to the restrictions hereinafter provided in this act and upon being satisfied of the truth of the statements in the application that the premises and the applicant meet all the requirements of this act and regulations of the board that the applicant seeks a license for a reputable hotel eating place or club as defined in this act the board shall in the case of a hotel or eating place grant and issue and in the case of a club may in its absolute discretion grant and issue to the applicant a retail dispenser's license.

In the case of hotels and eating places licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania all of whose officers and directors are citizens of the United States. In the case of incorporated clubs licenses shall be issued only to those incorporated under the laws of Pennsylvania.

No retail dispenser's license shall be granted in any municipality or township in which the electors shall as hereinafter provided have voted against the licensing therein of places where malt or brewed beverages or malt or brewed beverages and natural wines may be sold for consumption on the premises where sold.

(b) In the case of any new license or the transfer of any license to a new location the board shall in its discretion grant or refuse such new license or transfer if such place proposed to be licensed is within three hundred feet of any church hospital charitable institution school or public playground or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall not issue new licenses except as herein otherwise provided in any license district more than twice each license year effective from specific dates fixed by the board and new licenses shall not be granted unless the application therefore is filed at least thirty days before the effective date of the license. Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post for a period of at least fifteen days beginning with the day the ap-

plication is filed with the board in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied a notice of such application in such form of such size and containing such provisions as the board may require by its regulations Proof of the posting of such notice shall be filed with the board

Section 7 License Hearings Appeals from Refusal of Licenses The board may of its own motion and shall upon the written request of any applicant for license or for renewal or transfer thereof whose application for such license renewal or transfer has been refused fix a time and place for hearing of such application for license or for renewal or transfer thereof notice of which hearing shall be mailed to the applicant at the address given in his application Such hearing shall be before the board a member thereof or an examiner designated by the board At such hearing the board shall present its reasons for its refusal or withholding of license renewal or transfer thereof The applicant may appear in person or by counsel may cross-examine the witnesses for the board and may present evidence which shall likewise be subject to cross-examination by the board Such hearing shall be stenographically recorded The examiner shall thereafter report to the board upon such hearing The board shall thereupon grant or refuse the license renewal or transfer following such hearing notice in writing of such refusal shall be mailed to the applicant at the address given in his application In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any person aggrieved by the refusal of the board to issue renew or transfer a license may appeal to the court of quarter sessions of the county in which the premises applied for are located within twenty days of date of refusal Such appeal shall be upon petition of the applicant who shall serve a copy thereof upon the board The court shall hear the application de novo at such time as it shall fix of which notice shall be given to the board The court shall either sustain the refusal or the board or order an issuance of the license to the applicant There shall be no further appeal Any appeal shall act as a supersedeas unless upon sufficient cause shown the court shall determine otherwise

Section 8 Public Service Licenses The board may issue public service malt and brewed beverage and natural wine licenses to a railroad pullman or steamship company permitting malt or brewed beverages and natural wines to be sold at retail in dining club or buffet cars or the dining compartments of steamships or vessels for consumption on the trains steamships or vessels wherever operated in the State except when standing in stations or terminals within a municipality wherein retail sales are prohibited Such licenses shall only be granted to reputable persons and for fit places The board may issue a master license to railroad or pullman companies to cover the maximum number of cars which the company shall estimate that it will operate within the Commonwealth on any one day Such licensees shall file monthly reports with the board showing the maximum number of cars operated at any time on any day during the preceding month and if it appears that more cars have been operated than covered by its license it shall forthwith remit to the board the sum of ten dollars for each extra car so operated The board shall have the power to suspend or revoke any such licenses for cause after granting a hearing thereon to the licensee Any person aggrieved by the decision of the board in refusing suspending or revoking any such license may appeal to the court of quarter sessions of Dauphin County in the same manner as provided in this act for appeals from refusals of license

Section 9 License Year Mercantile License Exemption (a) Licenses issued under this act to distributors importing distributors and retail dispensers shall unless revoked in the manner provided in this act be valid for the license year which may be established by the board for the particular license district in which the license issues

(b) Licenses issued under this act to manufacturers and public service companies shall unless revoked in the man-

ner provided in this act be valid for the calendar year for which they are issued Licenses to manufacturers and public service companies may be issued at any time during a calendar year

No licensee under this act shall be required to obtain any mercantile license whatsoever to sell malt or brewed beverages or natural wines and every licensee under this act who is also the holder of a mercantile license may deduct the gross income received from sales of malt or brewed beverages or natural wines from his gross income from all sources in making his returns for mercantile license tax purposes

Section 10 Filing of Applications for Distributors' Importing Distributors' Retail Dispensers' and Special Licenses Every person intending to apply for a distributors' importing distributors' retail dispensers' or special license as aforesaid in any municipality or township of this Commonwealth shall file with the board his or its application All such applications shall be filed at a time to be fixed by the board for the particular license district as set up by the board under the provisions of the Pennsylvania Liquor Control Act Except in the case of applications for special licenses the applicant shall at the time of filing the application and bond pay said board the filing fee of ten dollars as specified in this act

Section 11 Application for Distributors' Importing Distributors' Retail Dispensers' and Special Licenses Application for distributors' importing distributors' and retail dispensers' licenses shall contain the following information and statements

(a) The name and residence of the applicant and how long he has resided there and if an association partnership or corporation the residences of the members officers and directors for the period of two years next preceding the date of such application

(b) The particular place for which the license is desired and a detailed description thereof

(c) Place of birth of applicant and if a naturalized citizen where and when naturalized and if a corporation organized or registered under the laws of the Commonwealth when and where incorporated with the names and addresses of each officer and director all of whom shall be citizens of the United States if the application is for a distributor's importing distributor's license and the applicant therefore is a corporation the application shall also contain a statement that all of the officers and directors are citizens of the United States have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application and the further statement that at least fifty-one per centum of the capital stock of the corporation is actually owned by individuals who are citizens of the United States and who have been residents of the Commonwealth of Pennsylvania for a period of at least two years prior to the date of application together with the names and addresses of all stockholders

(d) Name of owner of premises and his residence

(e) That the applicant is not or in case of a partnership or association that the members or partners are not and in the case of a corporation that the officers and directors are not in any manner pecuniarily interested either directly or indirectly in the profits of any other class of business regulated under this act except as hereinafter permitted

(f) That applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person shall be in any manner pecuniarily interested therein during the continuance of the license except as hereinafter permitted

(g) Whether applicant or in case of a partnership or association any member or partner thereof or in case of a corporation any officer or director thereof has during the three years immediately preceding the date of said application had a license for the sale of malt or brewed beverages or spirituous and vinous liquors revoked or has during the same period been convicted of any criminal offense and if so a detailed history thereof

(h) A full description of that portion of the premises for which license is asked and if any other business is

to be conducted concurrently with the sale and distribution of malt or brewed beverages or natural wines a full history of such business relating the nature thereof the length of time it has so previously been conducted by the applicant or his predecessor at such location and such additional information as the board may require

(i) Every club applicant shall file with and as a part of its application a list of the names and addresses of its members directors officers agents and employees together with the dates of their admission election or employment and such other information with respect to its affairs as the board shall require The board shall refuse to issue licenses to clubs when it appears that the operation of the club license would inure to the benefit of individual members officers agents or employees of the club rather than to the benefit of the entire membership of the club or if incorporated it was not incorporated in Pennsylvania

Every application for a special distributor's or special importing distributor's license shall accompany the application for the distributor's or importing distributor's licenses in connection with which it is desired and shall refer to such other application without repeating the facts contained therein

There shall be annexed to such application a certificate signed by at least twelve reputable qualified electors of the ward borough or township in which such malt or brewed beverages or natural wines are to be sold setting forth that they have been acquainted with the applicant or applicants or the members of the association or partnership or the directors and officers of the corporation where the applicant is a corporation that they have good reason to believe that each and all the statements contained in the petition are true and they therefore believe that the application should be granted and that the license should issue

The applicant must be verified by affidavit of applicant and if any false statement is intentionally made in any part of the application the affiant shall be deemed guilty of the crime of perjury A license shall not be granted by the board unless the application contains the information herein required and the premises meet such reasonable sanitary requirements as the board by regulation shall prescribe

Section 12 Prohibitions Against the Grant of Licenses (a) Any retail dispenser may be granted licenses to maintain operate or conduct any number of places for the sale of malt or brewed beverages and natural wines but a separate license must be secured for each place where malt or brewed beverages and natural wines are sold

(b) No person shall possess or be issued more than one distributor's importing distributor's license no person shall possess or be issued more than one class of license except that distributor's and special distributor's licenses and importing distributor's and special importing distributor's licenses may be possessed by and issued to the same person No distributor or importing distributor shall maintain or operate any place where sales are made other than that for which the license is granted No distributor or importing distributor shall maintain any place for the storage of malt or brewed beverages or natural wines except in the same municipality or township in which the licensed premises is located and unless the same has been approved by the board In the event there is no place of cold storage in the same municipality or township the board may approve for an importing distributor or distributor a place of cold storage in the nearest municipality or township No distributor's importing distributor's or package retailer's license shall be issued for any premises in any part of which there is operated any retail license for the sale of liquor or malt or brewed beverages and natural wines

(c) Licenses shall be granted by the board only to reputable individuals or to associations partnerships and corporations whose numbers or officers and directors are reputable individuals

A retail dispenser license shall not be issued to any individual unless such individual for one year immediately preceding the date of his application has been a resident

of the county wherein his place of business is or is to be located

No special distributor's or special importing distributor's license shall be granted to any person unless a distributor's license or importing distributor's license is also issued to him

No person who holds either by appointment or election any public office which involves the duty to enforce any of the penal laws of the United States of America or any of the penal laws of the Commonwealth of Pennsylvania or any penal ordinance or resolution of any municipal subdivision of this Commonwealth shall be issued any manufacturer's importing distributor's distributor's or retail dispenser's license nor shall such a person have any interest directly or indirectly in any such license

Section 13 Revocation and Suspension of Licenses Upon learning of any violation of this act or any laws of this Commonwealth relating to liquor alcohol malt or brewed beverages or natural wines or of any regulations of the board adopted pursuant to such laws or any intentional violation of any laws of this Commonwealth or of the United States of America relating to the tax-payment of liquor malt or brewed beverages or natural wines by any licensee his officers servants agents or employees or upon any other sufficient cause shown the board may within one year from the date of such violation or cause appearing cite such licensee to appear before it or its examiner not less than ten nor more than fifteen days from the date of sending such licensee by registered mail a notice addressed to him at his licensed premises to show cause why such license should not be suspended or revoked Hearings on such citations shall be held in the same manner as provided herein for hearings on applications for license Upon such hearing if satisfied that any such violation has occurred or for other sufficient cause the board shall immediately suspend or revoke the license notifying the licensee thereof by registered letter addressed to his licensed premises When a license is revoked the licensee's bond may be forfeited by the board Any licensee whose license is revoked shall be ineligible to have a license under this act or under any other act of the Commonwealth of Pennsylvania relating to the manufacture transportation or sale of liquor malt or brewed beverages or natural wines until the expiration of three years from the date such license was revoked In the event the board shall revoke a license no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises except in cases where the licensee or a member of his immediate family is not the owner of the premises in which case the board may in its discretion issue or transfer a license within the said year In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order In the event the person whose license was suspended or revoked by the board shall feel aggrieved by the action of the board he shall have the right to appeal to the court of quarter sessions in the same manner as herein provided for appeals from refusals to grant licenses In those cases where the board shall suspend a license the board may accept from the licensee an offer in compromise as a penalty in lieu of such suspension and thereupon rescind such suspension In the case of a manufacturer the offer in compromise shall be at the rate of one hundred dollars (\$100) for each day of suspension in the case of an importing distributor thirty dollars (\$30) and if also the holder of a special license then forty dollars (\$40) for each day of suspension and a distributor twenty dollars (\$20) and if also the holder of a special license then twenty-five dollars (\$25) for each day of suspension and in the case of a retail dispenser or transporter for hire ten dollars (\$10) for each day of suspension No offer in compromise may be accepted by the board in those cases where the suspension is for a period in excess of 100 days

Section 14 Licenses Not Assignable Transfers (a) Licenses issued under this act may not be assigned The board upon payment of the transfer filing fee and the

execution of a new bond is hereby authorized to transfer any license issued by it from one person to another or from one place to another or both within the same municipality or township as the board may determine but no transfer shall be made to a person who would not have been eligible to receive the license originally nor for the transaction of business at a place for which the license could not lawfully have been issued originally nor except as herein provided to a place as to which a license has been revoked Except in cases of emergency such as death serious illness or circumstances beyond the control of the licensee as the board may determine such circumstances to justify its action transfers of licenses may be made only at time fixed by the board In the case of the death of a licensee the board may transfer the license to the surviving spouse or personal representatives or to a person designated by him From any refusal to grant a transfer the person aggrieved shall have the right to appeal to the court of quarter sessions of the county in which the licensed premises are situated in the same manner as herein provided for appeals from refusals to grant licenses

(b) In the event that any person to whom a license shall have been issued under the provisions of this act by the board shall become insolvent make an assignment for the benefit of creditors become a bankrupt by either voluntary or involuntary action the license of such person shall immediately terminate and be cancelled without any action on the part of the board and there shall be no refund made or credit given for the unused portion of the license fee for the remainder of the license year for which said license was granted Thereafter no license shall be issued by the board for the premises wherein said license was conducted to any assignee committee trustee receiver or successor of such licensee until a hearing has been held by the board as in the case of a new application for license In all such cases the board shall have the sole and final discretion as to the propriety of the issuance of a license for such premises and as to the time it shall issue and the period for which it shall be issued and shall have the further power to exact conditions under which said license shall be conducted

Section 15 Applications for Transfers Fee Every applicant for a transfer of a license shall file a written application together with a filing fee of ten dollars with the board in such form as the board shall prescribe and at such time as the board shall fix and shall also file a bond as required on original applications for licenses

Whenever any license is transferred no license or other fees shall be required from the person to whom such transfer is made for the balance of the then current license year except the filing fee of ten dollars (\$10)

Section 16 Renewal of Licenses All applications for renewal of licenses shall be filed at least sixty days before the expiration date of same and not thereafter as provided in board regulations Unless the applicant shall have been formally notified by the board of objections to the renewal of his license based upon violation by the licensee or his servants agents or employees of any of the laws of the Commonwealth or regulations of the board relating to the manufacture transportation use storage importation possession or sale of liquors alcohol malt or brewed beverages or natural wines or the conduct of a licensed establishment or unless the applicant has by his own act become a person of ill repute or unless the premises do not meet the requirements of this act or the regulations of the board the license of a licensee shall be renewed when the applicant shall file with the board a new bond and shall pay the requisite filing fee and license fee specified in this act

In case where a licensee or his servants agents or employees are arrested charged with violating any of the laws of this Commonwealth relating to liquor alcohol malt or brewed beverages or natural wines and where the board has on file in such cases reports of its enforcement officers or investigators or from other sources that a licensee or his servants agents or employees have violated any of the aforementioned laws and a proceeding to revoke such licensee's license is or is about to be instituted and such arrest occurs or report of violations is

received or revocation proceeding instituted or about to be instituted during the time a renewal application of such license is pending before the board the board may in its discretion renew the license notwithstanding such alleged violations but such renewal license may be revoked by the board in the manner herein provided for the revocation of licenses if and when the licensee or any of his servants agents or employees are convicted of or plead guilty to violations under the previous license as aforesaid or if and when such previous license is for any reason revoked

In the event such renewal license is revoked by the board neither the license fee paid for such license nor any part thereof shall be returned to the licensee but the license bond filed with the application for such renewal of license shall not be forfeited

Section 17 Display of License Every licensee shall frame his or its license under a transparent substance and display the same in a conspicuous space so that it may easily be read in his or its place of business and no licensee shall authorize sales until this section has been complied with

Section 18 All Licensees to Furnish Bond No license shall be issued to any manufacturer distributor importing distributor or retail dispenser of to any railroad pullman or steamship company until the licensee shall have first executed a bond to the Commonwealth of Pennsylvania and a warrant of attorney to confess judgment in the penal sum hereinafter prescribed Bonds of all applicants shall have as surety a surety company authorized to do business in this Commonwealth or shall have deposited therewith as collateral security cash or negotiable obligations of the United States of America or the Commonwealth of Pennsylvania in the same amount as herein provided for the penal sum of bonds In all cases where cash or securities in lieu of other surety have been deposited with the board the depositor shall be permitted to continue the same deposit from year to year on each renewal of license but in no event shall he be permitted to withdraw his deposit during the time he holds said license or until six months after the expiration of the license held by him or while revocation proceedings are pending against such license All cash or securities received by the board in lieu of other surety shall be turned over by the board to the State Treasurer and held by him The State Treasurer shall repay or return money or securities deposited with him to the respective depositors only on the order of the board After notice from the board that such a bond has been forfeited the State Treasurer shall immediately pay into the State Stores Fund all cash deposited as collateral with such bond and when securities have been deposited with such a bond the State Treasurer shall sell at private sale at not less than the prevailing market price any such securities so deposited as collateral with any such forfeited bond The State Treasurer shall thereafter deposit in the State Stores Fund the net amount realized from the sale of such securities except that if the amount so realized after deducting proper costs and expenses is in excess of the penal amount of the bond such excess shall be paid over by him to the obligor on such forfeited bond Such bonds shall not be accepted until approved by the board All such bonds shall be conditioned for the faithful observance of all the laws of this Commonwealth relating to alcohol alcoholic liquors malt or brewed beverages and natural wines and the regulations of the board All bonds should be filed with and retained by the board The penal sum of bonds filed by the manufacturer shall be ten thousand (\$10,000) dollars for each place at which the licensee is authorized to manufacture The penal sum of bonds filed by distributors shall be one thousand (\$1,000) dollars and for importing distributors two thousand (\$2,000) dollars No additional bond shall be required for special distributor's licenses or special importing distributor's licenses The penal sum of bonds filed by all other licensees shall be one thousand (\$1,000) dollars for each place at which the licensee is authorized to sell malt or brewed beverages and natural wines except that in the case of railroad pullman or steamship companies the penal sum of the bond to be filed shall be one thousand

(\$1,000) dollars irrespective of the number of licensed cars or ships operated by such companies. Every such bond may be forfeited when a license is revoked and shall be turned over to the Attorney General for collection if and when the licensee's license shall have been revoked and his bond forfeited as herein provided.

Section 19 License Fees Distribution of Revenues No license shall be issued to any manufacturer distributor importing distributor or retail dispenser and no public service licenses shall be issued until the licensee shall have first paid an annual license fee as follows

(a) In the case of a manufacturer the license fee shall be one thousand (\$1,000) dollars for each place of manufacture and shall be paid to the board. The fee for all such licenses when applied for and issued on or after April 1 but prior to July 1 shall be three-fourths of the annual fee. July 1 but prior to October 1 shall be one-half of the annual fee. October 1 but prior to January 1 shall be one-quarter of the annual fee.

(b) In the case of a distributor the license fee shall be four hundred (\$400.00) dollars and if a special distributor's license is also granted then the license fee shall be four hundred fifty (\$450.00) dollars and shall be paid to the board.

(c) In the case of an importing distributor the license fee shall be nine hundred dollars (\$900.00) and if a special importing distributor's license is also granted then the license fee shall be one thousand (\$1,000) dollars and shall be paid to the board.

(d) In the case of a retail dispensers except clubs the license fee shall be graduated according to the population of the municipal unit or township in which the place of business is located and shall be paid to the board as follows

(1) Less than \$10,000	\$100
(2) 10,000 and more but less than 50,000	150
(3) 50,000 and more but less than 100,000	200
(4) 100,000 and more but less than 150,000	200
(5) 150,000 and more	300

(e) In the case of a club the fee shall be twenty-five dollars in all cases and shall be paid to the board.

(f) In the case of a public service license for cars the fee shall be ten dollars per car for the maximum number of cars operated on any one day on which malt or brewed beverages are sold to be paid to the board.

(g) In the case of a public service license for the sale of malt or brewed beverages and natural wines on a boat or vessel the fee shall be fifty dollars for each such vessel or boat and shall be paid to the board.

(h) The fee for filing applications for licenses and for renewals (except special licenses and renewals for which there shall be no filing fee) shall be ten dollars which together with fees for transfers shall be paid to the board.

(i) The license fees fixed by this section shall be paid before the license or renewal is issued.

(j) The license fees for manufacturers distributors importing distributors and public service licenses special licenses and all filing fees for such licenses and all permit fees forfeitures and compromise penalties collected received or recovered under the provisions of this act shall be transmitted to the State Treasurer by the board and shall be paid into the State Stores Fund. Fees paid for retail dispensers licenses shall be paid in the State Treasury through the Department of Revenue into the special fund known as the "Liquor License Fund". The moneys in the "Liquor License Fund" shall on the first days of February and August of each year be paid by the board to the municipalities and townships in which the licensed places are located in such amounts as represent the aggregate license fees collected from retail dispenser licensees in such municipalities and townships during the preceding period.

(k) The board shall have the power to appropriate moneys in the Liquor License Fund for the payment of claims for refunds allowed and approved by the board for moneys paid into the Liquor License Fund because of the over-payment or overcharge on license fees. In the event that the moneys in the Liquor License Fund have been distributed to the respective municipalities and

townships the board shall have the authority to deduct from the next semiannual payment to the respective municipalities and townships the amount of any over-payment previously refunded by the board to any person on account of an overcharge or over-payment on a license fee.

Section 20 Sales by Manufacturers Minimum Quantities No manufacturer shall sell any malt or brewed beverages for consumption on the premises where sold nor sell or deliver any such malt or brewed beverages in other than original containers approved as to capacity by the board nor in quantities of less than two hundred and eighty-eight (288) fluid ounces nor shall any manufacturer maintain or operate within the Commonwealth any place or places other than the place or places covered by his or its license where malt or brewed beverages are sold or where orders are taken.

Section 21 Sales by Distributors and Importing Distributors No distributor or importing distributor shall purchase receive or resell any malt or brewed beverages or natural wines except in the original containers as prepared for the market by the manufacturer or winery at the place of manufacture or production. No distributor or importing distributor shall sell any malt or brewed beverages in quantities of less than two hundred eighty-eight fluid ounces. Provided That no malt or brewed beverages or natural wines sold or delivered shall be consumed upon the premises of the distributor or importing distributor or in any place provided for such purpose by such distributor or importing distributor.

Section 22 Sales by Retail Dispensers (a) No retail dispenser shall purchase or receive any malt or brewed beverages or natural wines except in original containers as prepared for the market by the manufacturer or winery at the place of manufacture or production. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed. Provided however That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of seventy-two fluid ounces nor any natural wines in quantities in excess of one hundred twenty-eight fluid ounces. And provided further That no club licensee may sell any malt or brewed beverages or natural wines for consumption off the premises where sold or to persons not members of the club.

No retail dispenser shall sell any malt or brewed beverages or natural wines for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages or natural wines in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same.

(b) The board may with the approval of the Governor temporarily close all licensed premises within any municipality or township during any period of emergency proclaimed to be such by the Governor.

Section 23 Unlawful Acts It shall be unlawful

(I) For any manufacturer importing distributor or distributor or the servants agents or employees of the same to sell trade or barter in malt or brewed beverages or natural wines between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday.

(II) For any hotel or eating place holding a retail dispenser's license or public service license or the servants agents or employees of such licensees to sell trade or barter in malt or brewed beverages or natural wines between the hours of twelve o'clock midnight of any Saturday and seven o'clock in the forenoon of the following Monday or between the hours of two o'clock antemeridian and seven o'clock antemeridian of any week day.

(III) For any licensee or his servants agents or employees to sell furnish or give any malt or brewed beverages or natural wines to any person visibly intoxicated or to any insane person or to any minor or to habitual drunkards or persons of known intemperate habits.

(IV) For any hotel or eating place holding a retail dispenser's license or public service licensee or his servants agents or employes to sell furnish or give any malt or brewed beverages or natural wines to any person after two o'clock antemeridian or until one hour after the time fixed by law for the closing of polling places on days on which a general municipal special or primary election is being held

(V) For any licensee or his servants agents or employes to sell or offer to sell or purchase or receive any malt or brewed beverages or natural wines except for cash excepting credit extended by a hotel or club to bona fide registered guests or members No right of action shall exist to collect any claims for credits extended contrary to the provisions of this clause Nothing herein contained shall prohibit a licensee from crediting to a purchaser the actual price charged for original containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for such containers or as a deposit on such containers when title is retained by the vendor if such containers have been returned to the manufacturer distributor importing distributor or other vendor Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages or natural wines sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania when the malt or brewed beverages or natural wines so sold are actually transported and delivered to points outside of the Commonwealth Provided however That as to all transactions affecting malt or brewed beverages or natural wines to be resold or consumed within this Commonwealth every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces

(VI) For any licensee or his servants agents or employes to sell offer to sell or furnish any malt or brewed beverages or natural wines to any person on a pass book or store order or to receive from any person any goods wares merchandise or other articles except containers returned in exchange for malt or brewed beverages

(VII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any licensee or his servants agents or employes except a manufacturer on his own premises to hereafter lease purchase or receive for display or to display in any manner whatsoever on the outside of any licensed premises or on any lot of ground on which licensed premises are situate or on any building of which the licensed premises are a part any advertisement whatsoever relating to malt or brewed beverages or natural wines unless the actual value of such advertisement shall be not more than twenty-five dollars (\$25) No sign or advertisement furnished leased or sold by any manufacturer importing distributor or distributor shall contain anything except the trade name trade-mark or place of manufacture or production of the malt or brewed beverage or natural wine manufactured or sold by him

(VIII) For any manufacturer importing distributor or distributor his servants agents or employes to hereafter give furnish lease or sell or for any other licensee or his servants agents or employes to hereafter lease purchase or receive for display or to display on the inside of any licensed premises any advertising matter indicating the trade-mark or trade name of any particular malt or brewed beverage or natural wine or the manufacturer producer or place of manufacture or production of any malt or brewed beverage or natural wine unless the actual value of such advertising device including all displays in connection therewith shall not exceed ten dollars (\$10) It shall be unlawful for any licensee to display or permit to be displayed any window advertising except in accordance with the regulations of the board

(IX) For any licensee or his servants agents or employes to advertise or hold out for sale any malt or brewed beverage or natural wine by trade name or other designation which would indicate the manufacturer

winery or place of production of the said malt or brewed beverage or natural wine unless he shall actually have on hand and for sale a sufficient quantity of the particular malt or brewed beverage or natural wine so advertised to meet requirements to be normally expected as a result of such advertisement or offer

(X) For any retail dispenser or his servants agents or employes to furnish or serve any malt or brewed beverages from any faucet spigot or other dispensing apparatus unless the trade name or brand of the product served shall appear in full sight of the customer and in legible lettering upon such faucet spigot or dispensing apparatus

(XI) For any licensee or his servants agents or employes to transport sell deliver or purchase any malt or brewed beverage or natural wine upon which there shall appear a label or other informative data which in any manner refers to the alcoholic contents of the malt or brewed beverage or natural wine or which refers in any manner to the original alcoholic strength extract or balling proof from which such malt or brewed beverages was produced This clause shall not be construed to prohibit a manufacturer or winery from designating upon the label or descriptive data the alcoholic contents of malt or brewed beverages or natural wines intended for shipment into another state or territory when the laws of such state or territory require that the alcoholic content of the malt or brewed beverage or natural wine must be stated upon the package

(XII) For any licensee his servants agents or employes except clubs to permit in any licensed premises dancing theatricals floor shows or moving picture exhibitions of any sort unless the licensee shall have first received from the board a permit to provide such entertainment or for any retail licensee under any circumstances to permit in any licensed premises any lewd immoral or improper entertainment regardless of whether or not a permit to provide entertainment has been obtained The board shall have power to provide for the issue of such permits and to require a fee for permits equal to one-fifth of the annual license fee but not less than twenty-five dollars All such fees shall be paid into the State Stores Fund No such permit shall be issued in any municipality which by ordinance prohibits amusements in licensed places Any violation of this clause shall in addition to the penalty herein provided subject the licensee to suspension or revocation of his permit and his license

(XIII) For any distributor or importing distributor or his servants agents or employes without the approval of the board and then only in accordance with board regulations to engage in any other business whatsoever except the business of distributing malt or brewed beverages and natural wines

(XIV) For any distributor importing distributor or retail dispenser or his servants agents or employes to have in his possession or to permit the storage of on the licensed premises or in any place contiguous or adjacent thereto accessible to the public or used in connection with the operation of the licensed premises any spirituous vinous or alcoholic liquors or alcohol of any sort except malt or brewed beverages and except natural wines in cases where the sale of natural wines is authorized under the provisions of this act

(XV) For any licensee or his servants agents or employes except a manufacturer to manufacture import sell transport store trade or barter in any spirituous vinous or other alcoholic liquors or alcohol except malt or brewed beverages and except natural wines in cases where the sale of natural wines is authorized under the provisions of this act

(XVI) For the licensee or his servants agents or employes to issue publish or post or cause to be issued published or posted any advertisement of malt or brewed beverages or natural wines including a label which shall refer in any manner to the alcoholic strength of the malt or brewed beverages or natural wines manufactured sold or distributed by such licensees or to use in any advertisement or label such words as "full strength" "extra strength" "high test" "high proof" "pre-war strength" or

similar words or phrases which would lead or induce a consumer to purchase a brand of malt or brewed beverage or natural wine on the basis of its alcoholic content or to use in or on any advertisement or label any numeral unless adequately explained in type of the same size prominence and color or for any licensee to purchase transport sell or distribute any malt or brewed beverage or natural wine advertised or labeled contrary to the provisions of this clause

(XVII) For any licensee or any agent employe or representative of any licensee to give or permit to be given directly or indirectly money or anything of substantial value in an effort to induce agents employes or representatives of customers or prospective customers to influence their employers or principals to purchase or contract to purchase malt or brewed beverages or natural wines from the donor of such gift or to influence such employer or principals to refrain from dealing or contracting to deal with other licensees

(XVIII) For any licensee or his servants agents or employes to offer or give any prize premium gift or other similar inducement to either trade or consumer buyers except advertising novelties or nominal value which the board shall define

(XIX) For any licensee or his servants agents or employes to offer pay make or allow or for any licensee or his servants agents or employes to solicit or receive any allowance or rebate refunds or concessions whether in the form of money or otherwise to induce the purchase of malt or brewed beverages natural wines or any other commodity manufactured or sold by the licensee

(XX) For any importing distributor distributor retail dispenser or his servants agents or employes to fail to keep on the licensed premises for a period of at least two years such complete and truthful records as the board may prescribe covering the operation of his licensed business and particularly showing the date of all purchases of malt or brewed beverages and natural wines the actual price paid therefor and the name of the vendor or for any licensee his servants agents or employes to refuse the board or an authorized employe of the board access thereto or the opportunity to make copies of the same when the request is made during business hours

(XXI) For any licensee or his servants agents or employes to refuse the board or any of its authorized employes the right to completely inspect the entire licensed premises at any time during which the premises are open for the transaction of business

(XXII) For any retail dispenser or his servants agents or employes to furnish give or sell below a fair cost any lunch to any consumer except such articles of food as the board may authorize and approve

(XXIII) For any person to hawk or peddle malt or brewed beverages or natural wines

(XXIV) For any licensee or his servants agents or employes to be directly or indirectly employed by any person engaged in the manufacture storage transportation or sale of spirituous or vinous liquors alcohol or malt or brewed beverages

(XXV) For any licensee or his servants agents or employes to knowingly sell any malt or brewed beverages or natural wines to any person engaged in the business of illegally selling liquor natural wines or malt or brewed beverages

(XXVI) For any person to transport within or import any malt or brewed beverages or natural wines into this Commonwealth except in accordance with the rules and regulations of the board or for any person to transport malt or brewed beverages or natural wines into or within this Commonwealth unless there shall be affixed to the original containers in which such malt or brewed beverages or natural wines are transported stamps or crowns evidencing the payment of the malt liquor tax or wine tax to the Commonwealth Provided however That this clause shall not be construed to prohibit transportation of malt or brewed beverages or natural wines through this Commonwealth and not for delivery therein if such transporting is done in accordance with the rules and regulations of the board

(XXVII) For any manufacturer importing distributor or distributor or his servants agents or employes except with board approval to deliver or transport any malt or brewed beverages or natural wines in any vehicle in which any other commodity is being transported except that malt or brewed beverages and natural wines may be transported in the same vehicle by importing distributors and distributors who hold special licenses

(XXVIII) For any importing distributor distributor or retail dispenser or the servants agents or employes of such licensees to display on the outside of any licensed premises or to display any place within the licensed premises if it can be seen from the outside of the licensed premises any advertisement whatsoever referring directly or indirectly to the price at which the licensee will sell malt or brewed beverages or natural wines except in the interior of the licensed premises where the display cannot be seen from the outside the price at which malt or brewed beverages or natural wines will be sold by him

(XXIX) For any retail dispenser to employ any minor or to permit any minor to render any service whatsoever in or about the licensed premises except in accordance with board regulations nor shall any entertainer be employed or permitted to perform in any licensed premises in violation of the labor laws of this Commonwealth

(XXX) For any licensee his servants agents or employes to cash pay roll checks except in accordance with board regulations

(XXXI) For any retail dispenser his servants agents or employes to permit persons of ill repute known criminals prostitutes or minors to frequent his licensed premises or any premises operated in connection therewith except minors accompanied by parents guardians or under proper supervision

(XXXII) For any licensee his servants agents or employes to give furnish trade barter serve or deliver any malt or brewed beverages or natural wines to any person during hours or on days when the licensee is prohibited by this act from selling malt or brewed beverages and natural wines

(XXXIII) For any club retail dispenser or its servants agents or employes to sell malt or brewed beverages or natural wines between the hours of three o'clock antemeridian and seven o'clock antemeridian on any day

(XXXIV) For any importing distributor or distributor engaged in the sale of products other than malt or brewed beverages and natural wines to fail to keep such complete separate records covering in every respect his transactions in malt or brewed beverages and natural wines as the board shall by regulation require

(XXXV) For any licensee or any officer director stockholder servant agent or employe of any licensee to own any interest directly or indirectly in or be employed or engaged in any business which involves the manufacture or sale of any equipment furnishings or fixtures to importing distributors distributors or retail dispensers licensed under this act or to hotel restaurant or club licensees licensed under any other act of this Commonwealth relating to liquor natural wines or malt or brewed beverages Provided however That the provisions of this subsection shall not apply to such a conflicting interest if it has existed for a period of not less than three years prior to January first one thousand nine hundred and thirty-seven and the board shall approve

Section 24 Things of Value Not to Be Offered It shall be unlawful for any person licensed to sell malt or brewed beverages or natural wines or his servants agents or employes to offer or give anything of value or to solicit or receive anything of value as a premium for the return of caps stoppers corks stamps or labels taken from any bottle case barrel or package containing such malt or brewed beverages or natural wines or to offer or give or solicit or receive anything of value as a premium or present to induce the purchase of such malt or brewed beverages or natural wines or for any other purpose whatsoever in connection with the sale of such malt or brewed beverages or natural wines Provided however That this section shall not apply to the return of any moneys

specifically deposited for the return of the original containers to the owners thereof

Section 25 Unlawful to Fortify Adulterate or Contaminate It shall be unlawful to fortify adulterate contaminate or in any wise to change the character or purity of the malt or brewed beverages or natural wines from that as originally marketed by the manufacturer or winery at the place of manufacture or production

Section 26 Transportation in Original Packages It shall be unlawful for any person to transport any malt or brewed beverages or natural wines except in the original containers It shall be unlawful for any person to transport for another any malt or brewed beverages or natural wines within this Commonwealth unless such person shall hold a permit issued by the board and shall have paid to the board such permit fee not exceeding one hundred dollars and shall have filed with the board a bond in the penal sum of not more than two thousand dollars as may be fixed by the rules and regulations of the board any other law to the contrary notwithstanding

Section 27 Delivery Vehicles to Bear Name and Address of Licensee It shall be unlawful for a licensee to deliver or transport any malt or brewed beverages or natural wines excepting in vehicles bearing the name and address and license number of such licensee painted or affixed on each side of such vehicle in letters no smaller than four inches in height

Section 28 Interlocking Business Prohibited (a) No manufacturer and no officer or director of any manufacturer shall at the same time be a distributor importing distributor or retail dispenser or an officer director or stockholder or creditor of any distributor importing distributor or retail dispenser nor except as hereinafter provided be the owner proprietor or lessor of any place for which a license has been issued for any importing distributor distributor or retail dispenser under this act or for which a hotel restaurant or club liquor license has been issued under any other act of this Commonwealth

(b) No distributor or importing distributor and no officer or director of any distributor or importing distributor shall at the same time be a manufacturer a retail dispenser or a liquor licensee or be an officer director stockholder or creditor of a manufacturer a retail dispenser or a liquor licensee or directly or indirectly own any stock or have any financial interest in or be the owner proprietor or lessor of any place covered by any other malt or brewed beverage or liquor license

(c) No licensee licensed under this act and no officer or director of such licensee shall directly or indirectly own any stock or have any financial interest in any other class of business licensed under this act

(d) Excepting as hereinafter provided no manufacturer importing distributor or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage against the same for which a liquor or retail dispenser's license is granted nor shall a manufacturer importing distributor or distributor either directly or indirectly lend any moneys credit or equivalent thereof to or guarantee the payment of any bond mortgage note or other obligation of any liquor licensee or retail dispenser in equipping fitting out or maintaining and conducting either in whole or in part an establishment or business operated under a liquor or retail dispenser's license excepting only the usual and customary credits allowed for returning original containers in which malt or brewed beverages or natural wines were packaged for market by the manufacturer or winery at the place of manufacture or production

(e) Excepting as hereinafter provided no manufacturer shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or any mortgage lien against the same for which a distributor's or importing distributor's license is granted nor shall a manufacturer either directly or indirectly lend any moneys credit or their equivalent to or guarantee the payment of any bond mortgage note or other obligation of any distributor or importing distributor in equipping fitting out or maintaining and conducting either in whole

or in part an establishment or business where malt or brewed beverages or natural wines are licensed for sale by a distributor or importing distributor excepting only the usual credits allowed for the return of original containers in which malt or brewed beverages or natural wines were originally packaged for the market by the manufacturer or winery at the place of manufacture or production

(f) No distributor importing distributor or retail dispenser shall in anywise receive either directly or indirectly any credit loan moneys or the equivalent thereof from any other licensee or from any officer director or firm member of any other licensee or from or through a subsidiary or affiliate of another licensee or from any firm association or corporation except banking institutions in which another licensee or any officer director or firm member of another licensee has a substantial interest or exercises a control of its business policy for equipping fitting out payment of license fee maintaining and conducting either in whole or in part an establishment or business operated under a distributor's importing distributor's or retail dispenser's license excepting only the usual and customary credits allowed for the return of original containers in which malt or brewed beverages or natural wines were packaged for the market by the manufacturer or winery at the place of manufacture or production

The purpose of this section is to require a separation of the financial and business interests between the various classes of business regulated by this act and no person or corporation shall by any device whatsoever directly or indirectly evade the provisions of this section But in view of existing economic conditions nothing contained in this section shall be construed to prohibit the ownership of property or conflicting interest by a manufacturer of any place occupied by a distributor importing distributor or retail dispenser after the manufacturer has continuously owned and had a conflicting interest in such place for a period of at least five years prior to July 18 1935

The term "manufacturer" as used in this section shall include manufacturers as defined in this act and any person manufacturing any malt or brewed beverages outside of this Commonwealth

Section 29 Malt or Brewed Beverages and Natural Wines Manufactured or Produced Outside This Commonwealth In addition to compliance with all other provisions of this act the board shall require each person desiring to sell any malt or brewed beverages or natural wines manufactured or produced outside this Commonwealth to Pennsylvania licensees and shall require each Pennsylvania licensee who desires to purchase and resell any such malt or brewed beverages or natural wines to pay to the board the same fees as are required to be paid by Pennsylvania licensees or by persons or licensees in any state territory or country outside of Pennsylvania who desire to sell malt or brewed beverages or natural wines manufactured or produced in Pennsylvania to licensees in such other state territory or country of origin of such malt or brewed beverages or natural wines not manufactured or produced in Pennsylvania and to observe and comply with the same regulations prohibitions and restrictions as are required of or enforced against Pennsylvania licensees or persons who desire to purchase and resell malt or brewed beverages or natural wines manufactured or produced in Pennsylvania in such other state territory or country of origin In all cases where the board shall have issued any reciprocal regulations or orders concerning malt or brewed beverages or natural wines manufactured or produced in any state territory or country other than Pennsylvania no Pennsylvania licensee shall purchase any such malt or brewed beverages or natural wines if their importation has been prohibited or if not entirely prohibited unless such regulations or orders have been observed and complied with by the Pennsylvania licensee and by the person from or through whom the Pennsylvania licensee desires to purchase Any malt or brewed beverages or natural wines manufactured or produced outside of Pennsylvania which

are sold transported or possessed in Pennsylvania contrary to any such regulations or orders of the board or without the payment of the fees herein required shall be considered contraband and shall be confiscated by the board and disposed of in the same manner as any other illegal liquor natural wines or malt or brewed beverages

Upon learning of the commission by a manufacturer of malt or brewed beverages or a winery whose principal place of business is outside this Commonwealth or by any servant agent employe or representative of such manufacturer or winery within or partly within and partly outside this Commonwealth of any violation of this act or any laws of this Commonwealth relating to liquor alcohol natural wines or malt or brewed beverages or of any regulation of the board adopted pursuant thereto or of any violation of any laws of this Commonwealth or of the United States of America relating to the tax payment of liquor natural wines or malt or brewed beverages the board shall cite such manufacturer or winery to appear before it or its examiner not less than ten nor more than fifteen days from the date of mailing such manufacturer or winery at his principal place of business wherever located by registered mail a notice to show cause why the further importation into this Commonwealth of malt or brewed beverages or natural wines manufactured or produced by him should not be prohibited Upon such hearing whether or not an appearance was made by such outside manufacturer or winery if satisfied that any such violation has occurred the board is specifically empowered and directed to immediately issue an order prohibiting the importation of malt or brewed beverages or natural wines manufactured or produced by such manufacturer or winery into this Commonwealth for a period of not less than six months nor more than three years Notice of such board action shall be given immediately to such manufacturer or winery and to all persons licensed to import malt or brewed beverages or natural wines within this Commonwealth by mailing a copy of such order to such manufacturer or winery at its principal place of business wherever located and to such licensees at their licensed premises Thereafter it shall be unlawful for any person licensed to import malt or brewed beverages or natural wines within this Commonwealth to purchase or sell any malt or brewed beverages or natural wines manufactured or produced by such outside manufacturer or winery during the term of such prohibition Any violation of such prohibitory order shall be a misdemeanor and shall be punished in the same manner as herein provided for any other violation of this act and shall also constitute grounds for revocation or suspension of a license to import malt or brewed beverages or natural wines In all such cases the board shall file of record at least a brief statement in the form of an opinion of the reasons for the ruling or order Any outside manufacturer aggrieved by the action of the board may appeal to the quarter sessions court of Dauphin County in the same manner as herein provided for appeals from refusals to grant licenses

Section 30 Penalty (a) Any person copartnership association or corporation or any officer director servant employe or agent of any copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300) and on failure to pay such fine to imprisonment for not less than one month nor more than three months for the first offense and for any second or subsequent offense shall be sentenced upon conviction to pay a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) and shall be sentenced to imprisonment for a term of not less than three months nor more than one year

(b) Upon proof being made that any licensee or any servant agent or employe of such licensee under this act has violated any of the provisions of this act or regulations of the board or any of the laws of the Commonwealth relating to liquor alcohol natural wines or malt or brewed beverages or the payment of tax thereon or

the laws of the United States of America relating to the payment of tax on liquor alcohol natural wines or malt or brewed beverages the board may in its discretion revoke or suspend any license issued under this act to any such licensee The right to suspend or revoke licenses as herein set forth shall be an additional penalty to those set forth in paragraph "A" of this section

Section 31 Nuisance (a) Any room house building boat vehicle structure or place where malt or brewed beverages or natural wines are manufactured sold transported offered for sale bartered or furnished in violation of this act and all such beverages wines and property kept or used in maintaining the same are hereby declared to be common nuisances and any person who maintains such a common nuisance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in this act

(b) An action to enjoin any nuisance defined in this act may be brought in the name of the Commonwealth of Pennsylvania by the Attorney General or by the district attorney of the proper county Such action shall be brought and tried as an action in equity and may be brought in any court having jurisdiction to hear and determine equity cases within the county in which the offense occurs If it is made to appear by affidavit or otherwise to the satisfaction of the court that such nuisance exists a temporary writ of injunction shall forthwith issue restraining the defendant from conducting or permitting the continuance of such nuisance until the conclusion of the proceedings If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the beverages wines or other things used in connection with the violation of this act constituting such nuisance No bond shall be required in instituting such proceedings It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing but on finding that the material allegations of the petition are true the court shall order that no malt or brewed beverage or natural wine shall be manufactured sold offered for sale transported bartered or furnished in such room house building structure boat vehicle or place or any part thereof Upon the decree of the court ordering such nuisance to be abated the court may upon proper cause shown order that the room house building structure boat vehicle or place shall not be occupied or used for one year thereafter but the court may in its discretion permit it to be occupied or used if the owner lessee tenant or occupant thereof shall give bond with sufficient surety to be approved by the court making the order in the penal and liquidated sum of not less than five hundred dollars (\$500.00) payable to the Commonwealth of Pennsylvania for use of the county in which said proceedings are instituted and conditioned that malt or brewed beverages or natural wines will not thereafter be manufactured sold transported offered for sale bartered or furnished therein or thereon in violation of this act and that he will pay all fines costs and damages that may be assessed for any violation of this act upon said property

Section 32 Local Option In any municipality or township an election may be held but not oftener than once in four years on the date of the primary election immediately preceding any municipal election to determine the will of the electors with respect to the granting of licenses to retail dispensers under the provisions of this act Provided however Where an election was therefore held at the municipal election in any year another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality or township at the last preceding general election shall petition the county commissioners of the county for a referendum on the question of granting such licenses the said county commissioners shall cause a question to be submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter on the ballot or on voting machines at such election in the manner provided by the election laws

of the Commonwealth

Such question shall be in the following form

Do you favor the granting of malt and brewed beverage and natural wine retail dispenser licenses for consumption on premises where sold in the _____ of _____	Yes	
	No	

In case of a tie vote or if a majority of the persons voting on such question vote "yes" then malt and brewed beverage and natural wine retail dispenser licenses shall be granted by the board in such municipality or township under the provisions of this act but if a majority of the persons voting on such question vote "no" then the board shall thereafter have no power to grant or to renew upon their expiration any retail dispenser's licenses in such municipality or township under the provisions of this act

No such licenses shall be granted under the provisions of this act as amended in any municipality or township wherein the electors under the provisions of the Beverage License Law of May third one thousand nine hundred and thirty-three (P. L. 252) and its amendments voted prior to the adoption of this amendment against the granting of retail dispenser licenses unless in accordance with the provisions of this act as amended the action of the electors is hereafter reversed

Section 33 Constitutional The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 34 First Licenses Under Act The first licenses and amusements permits issued by the board under the provisions of this act shall be issued for license years or fractions thereof according to the license districts in which issued and applications for all such licenses and permits shall be filed at such time as may be specified by the board The board shall have power to grant the first licenses and permits under this act in any district for a period of one year or any period more or less than one year in order to provide a staggered system of license dates in the various districts and in such cases the fees for such licenses and amusement permits shall be one-twelfth of that fixed by this act multiplied by the number of months the first license or permit shall be effective

Special licenses shall be granted by the board to all distributors and importing distributors who apply therefor within sixty days after the effective date of this act and pay the proper fee therefor Licenses so issued shall expire at the end of the current license year of the distributor or importing distributor to whom it is issued The fees for such special licenses shall be one-twelfth of that fixed by this act multiplied by the number of months the first special license shall be effective

Any distributor or importing distributor to whom a special license has been granted and any retail dispenser may purchase from any Pennsylvania Liquor Store natural wines in stock on the effective date of this act and sell the same subject to the provisions of the act to which this is an amendment

Section 35 General Power to Make Regulations The board may from time to time make such regulations not inconsistent with this act as it may deem necessary for the efficient administration of this act The board shall cause such regulations to be published and disseminated through the Commonwealth in such manner as it shall deem necessary and advisable Such regulations adopted by the board shall have the same force as if they formed a part of this act

Whenever it is provided in this act that any act matter or thing may be done if permitted or authorized by the regulations or may be done in accordance with the regulations or as provided by the regulations prescribed by the board under this act the board subject to

the provisions of this act shall have the power to prescribe regulations respecting such act matter or thing

Section 2 This act and the amendments thereto shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	Ealy,	Letzler,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Coleman,	Geltz,	Miller,	Wade,
Cox,	Haluska,	Ruth,	Watkins,
Crider,	Heyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Shapf,	Wilson, T. B.,
Deitrick,	James,	Snowden,	Woodward,
Dent,	Jaspan,	Stevenson,	Ziesenheim,
DiSilvestro,	Kephart,	Stiefel,	

NAYS—4

Carr,	Chapman,	Lanius,	Reed,
-------	----------	---------	-------

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1067, (House Bill No. 1232) on third reading, entitled:

An Act to further amend section one thousand eight hundred and four of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" authorizing the council in such cities from time to time to make supplemental appropriations

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1073 (House Bill No. 1429), on third reading, entitled:

An Act to amend section four of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five

and providing penalties for violations of this act" providing for the appointment of local registrars of vital statistics by county commissioners and removing certain appointees from office and declaring such offices vacant.

be recommitted to the Committee on County Government.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1094, as follows:

A Joint Resolution proposing an amendment to section thirteen Article three of the Constitution of the Commonwealth of Pennsylvania

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows

Section 1 The following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

Section thirteen of article three is hereby amended to read as follows

Section 13 No law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment or fix or regulate the compensation of appointed officers and employes of local governments other than school districts

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsheer,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Detrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1095, as follows:

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local

or any parts thereof that are or may be inconsistent therewith" providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school and for payments by the Commonwealth on account thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Paragraph nineteen of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P L 243) is hereby further amended to read as follows

Nineteen (a) Of the salaries herein provided for full-time teachers supervisors principals and all other full-time members of the teaching and supervisory staff in the public schools of the Commonwealth the Commonwealth shall pay for the biennium year beginning June first one thousand nine hundred and twenty-three and each biennium year thereafter to such school district as comply with the laws governing the public schools of the Commonwealth for the payment of the salaries of each of said persons employed therein as shown by the certificate herein required to be filed with the Superintendent of Public Instruction in the November immediately preceding any such biennium year as follows In school districts of the first class for each member of the teaching and supervisory staff twenty-five per centum (25%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the second and third class for each member of the teaching and supervisory staff thirty-five per centum (35%) of the annual minimum salary prescribed herein for elementary teachers in such districts except that where such districts are organized upon a quarterly basis and the schools thereof are being operated and kept open throughout the entire twelve months of the school year the Commonwealth shall pay for each member of the teaching and supervisory staff so employed in such districts forty-six and two-thirds per centum (46 2/3%) of the annual minimum salary prescribed herein for elementary teachers in such districts in school districts of the fourth class for each member of the teaching and supervisory staff fifty per centum (50%) of the annual minimum salary prescribed herein for teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the first second and third class which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for elementary teachers in such districts and that the amount paid to a school district of the first second and third class which has a true valuation per teacher of assessable property of more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for elementary teachers in such districts Provided That the amount paid by the Commonwealth to a school district of the fourth class which has a true valuation per teacher of assessable property of fifty thousand dollars (\$50,000) or less shall be seventy-five per centum (75%) of the annual minimum salary prescribed herein for teachers in such districts and that the amount paid to a school district of the fourth class which has a true valuation per teacher of assessable property or more than fifty thousand dollars (\$50,000) and not more than one hundred thousand dollars (\$100,000) shall be sixty per centum (60%) of the annual minimum salary prescribed herein for teachers in such dis-

tricts

(b) Where any member of the teaching or supervisory staff receives less salary than the minimum salary prescribed by the foregoing salary schedule for the class of district in which he is teaching there shall be paid to the district a corresponding per centum of the salary paid to such person. The minimum salary of all part-time teachers of children of exceptional physical or mental condition unable to attend regular public school or of part-time teachers supervisors and principals employed in the extension schools and classes of the Commonwealth established for the education of adults and legally employed minors and not designated as continuation or other vocational schools or classes shall be one dollar (\$1.00) per hour the minimum annual increment in salary for such part-time teachers supervisors and principals shall be twenty-five cents (\$.25) per hour the minimum number of such annual increments shall be two (2). For each part-time member of the teaching and supervisory staff employed by any school district in such special education or in extension schools and classes approved by the Department of Public Instruction established for the education of such exceptional children or adults and legally employed minors and not designated as special classes or continuation or other vocational schools or classes the Commonwealth shall pay to the several districts the same per centum of the minimum salary herein required to be paid to such part-time teachers as is paid to such district of the minimum salary of the full-time teachers. For each full-time teacher of a special class and for each full-time supervisor or principal of special schools or classes organized by any school district and approved under legislation providing for the special education of physically or mentally handicapped pupils there shall be paid to the district in addition to other payments herein provided sums as follows: To districts of the first class twenty-five per centum (25%) and to other districts thirty per centum (30%) of the minimum salary respectively prescribed herein for elementary teachers in such respective districts and for each part-time teacher supervisor or principal employed in approved special education a fraction of such amounts proportional to the time for which said person is employed. Provided That the total amount paid to any school district on account of any such teacher supervisor or principal employed in special education shall not exceed eighty per centum (80%) of the salary actually paid to such person.

(c) The Superintendent of Public Instruction shall annually apportion to each fourth class district the sum of two hundred dollars (\$200) for each school permanently closed or discontinued in such district since nineteen hundred eleven or which may hereafter be permanently closed or discontinued or which was heretofore permanently closed or discontinued under the provisions of the act of April twenty-fifth one thousand nine hundred and one (P. L. 105), entitled "An act to provide for the centralization of township schools and to provide high schools for townships" and all payments heretofore made by the Commonwealth and all requisitions and warrants heretofore drawn for payments for schools permanently closed or discontinued under the provisions of said act are hereby ratified validated and declared legal.

(d) In addition to the payments herein provided on account of members of the teaching and supervisory staff employed in any school district and on account of schools permanently closed or discontinued in any district each district shall receive its proportionate share of the minimum salaries required to be paid to such additional members of the teaching and supervisory staff as may have been employed subsequent to the certificate to the Superintendent of Public Instruction in the November previous to the biennium year and its apportionment as herein provided for additional schools permanently closed or discontinued subsequent to such certificate. Such payments shall be made after certificate to the Superintendent of Public Instruction in the November of the biennium year in addition to the last quarterly payment of the biennium as hereinafter provided.

(e) The true valuation per teacher for each district shall be determined by the State Council of Education on data and material submitted by the officers of such district in the annual report to the Superintendent of Public Instruction if such data and material shall after investigation by the State Council of Education be found correct otherwise upon such data and material as modified corrected and approved by said Council of Education. The true valuation per teacher shall be found by dividing the true valuation of the district by the number of full-time teachers which number shall include all teachers principals supervisors and superintendents employed in the vocational and non-vocational schools of the district for the year covered by such report which number in districts of the fourth class shall also include one teacher for each teacher who at the time of the closing of any school in such district subsequent to June first one thousand nine hundred and twenty-three not since reopened was employed in such school. The true valuation of the taxable property of each school district shall be obtained by dividing the amount of the assessed valuation certified in the annual report of the district for the school year ending June thirtieth one thousand nine hundred and twenty-two and every second year thereafter as corrected and approved by the State Council of Education after investigation by the average rate of assessment certified in such annual reports for the three years immediately preceding the date on which such true valuation is determined as corrected and approved by the State Council of Education after investigation. The true valuation of each school district for the two fiscal years beginning on June first one thousand nine hundred and twenty-five and ending May thirty-first one thousand nine hundred and twenty-seven and for each biennium thereafter shall be determined during the month of October one thousand nine hundred and twenty-four and in the month of October of every second year thereafter. The State Council of Education is hereby given full power and authority to make such investigations to take such action and to institute such proceedings as may be necessary to determine any of the questions that may be raised in the determination and adjustment of the aforesaid true valuations and the decisions which such council reaches in such questions shall be final and conclusive.

Section 2 This act shall become effective the first day of June one thousand nine hundred forty-one.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Grider,	Pomsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ, Mr. President, I ask unanimous consent that Senate Bill No. 1099, on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1102, as follows:

An Act to further amend the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 13) entitled "An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof" by providing for the licensing by the Department of Agriculture of persons copartnerships associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose regulating the opening of eggs unfit for food and providing for the denaturing of such eggs authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis further regulating the right to sell or otherwise deal with eggs subjected to incubation providing that certain violations of the act shall be punishable in summary proceedings prescribing penalties and repealing certain legislation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 13) entitled "An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person firm or corporate body by himself herself itself or themselves or by his her its or their agents servants or employees to sell offer for sale expose for sale or have in possession with intent to sell eggs that are unfit for food within the meaning of this act That it shall be unlawful for any person copartnership association or corporation to conduct at any given place any business of opening eggs and separating the egg content from the shell and using or disposing of the content thereof for any purpose unless he she it or they have first applied for and secured a license so to do from the Department of Agriculture The form of such license shall be prescribed by the Department of Agriculture The application for a license in addition to other matters which may be required to be stated thereon by said Department of Agriculture shall contain an accurate description of the place

where the proposed separation of eggs is intended to be carried on and the name and style under which said business is proposed to be conducted If the said application is satisfactory to the Department of Agriculture and said name and style shall not in the judgment of the Department of Agriculture be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on the Department of Agriculture shall issue to the applicant a license authorizing him her it or them to engage in the business of opening the eggs and separating the egg content from the shell for which said license the applicant shall first pay the annual sum of fifty (\$50) dollars The said license fee when received by the Department of Agriculture shall be immediately covered into the State Treasury for the use of the Commonwealth Such license shall not authorize the holder thereof to carry on the business of opening the eggs and separating the egg content from the shell at any place other than that designated in the application and license All licenses shall be taken out for a full year

The opening of eggs unfit for food purposes shall not be permitted in any building or premises where the opening of eggs for food purposes is carried on except such as are opened incident to the opening of eggs fit for food in which case such eggs as are found to be unfit for food purposes must be placed in containers painted of a bright red color the shells of the eggs broken or smashed and the contents of the eggs denatured by kerosene or other denaturant approved by the Department of Agriculture Such red colored containers must be emptied of their contents every twenty-four hours and must not be used for wholesome eggs

It shall be unlawful for any person copartnership association or corporation by himself herself itself or themselves or by his her its or their agents servants or employees to sell offer for sale expose for sale or have in possession eggs that are unfit for food within the meaning of this act for any purpose use cause or reason whatsoever unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the same unfit for use in the preparation of food products and further providing that the shells of all such eggs that may be unfit for food as hereinbefore mentioned shall first be removed or broken by smashing or otherwise so as to permit a free impregnation of the whole of the egg substance by the denaturing fluid

For the purpose of enforcing the provisions of this act the Department of Agriculture through its officers agents and assistants shall have full access to all places of business factories mills buildings cars automobiles trucks wagons vessels barrels tanks containers and packages of whatever kind used in keeping storing shipping transporting and handling eggs and shall have power to take a sufficient quantity of eggs therefrom upon or offering payment for the same for the purpose of making an analysis thereof and shall have power to detain seize hold and/or quarantine the entire quantity of eggs a reasonable length of time for the result of the analysis to be known

All persons copartnerships associations or corporations violating any of the provisions of this act or interfering with or refusing to give access to the Department of Agriculture or any of his agents or assistants when securing quantities of eggs for the purpose of analysis shall upon conviction in a summary proceeding be subject to the penalties hereinafter provided

Section 2 Section three of said act as amended by the act approved the twelfth day of June one thousand nine hundred and thirty-one (P. L. 507) is hereby further amended to read as follows

Section 3 It shall be unlawful to sell offer for sale have in possession with intent to sell either in shell in broken out frozen masses or in any condition whatsoever incubated or incubator reject eggs or eggs which have been subjected to incubation whether natural or artificial unless by written permission of the Department of Agriculture to sell such for a specific purpose and to a specific purchaser and when so sold the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regu-

lations issued by the Department of Agriculture. It shall be unlawful to use any incubated eggs in the preparation of or as a part of a food or foods.

It shall be unlawful for anyone to take give remove deliver or transport from the premises of any farm hatchery hennerly chickery or any place where eggs or baby chicks are produced eggs that have been subjected to incubation unless (a) said eggs shall have been broken or smashed and denatured or (b) there is written permission by the Department of Agriculture to move said eggs to a specific destination and for a specific use and when so moved the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regulations issued by the Department of Agriculture.

It shall be unlawful for any person firm or corporate body by himself herself itself or themselves or by his her its or their agents servants or employees to use eggs that are either wholly or partly decayed or decomposed in the preparation of food products. And provided further That there shall be no delivery sale purchase or acceptance of wholly or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured.

Section 3 Sections four five and six of said act are hereby amended to read as follows:

Section 4 That any person who shall violate any of the provisions of this act upon conviction thereof shall be sentenced to pay a fine of not less than two hundred (\$200) dollars nor more than one thousand (\$1,000) dollars and/or to undergo an imprisonment of not less than three (3) months nor more than nine (9) months at the discretion of the court. Aldermen magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine in a summary proceeding actions arising for violations of this act and to impose the penalties provided herein subject to appeal as the law shall direct.

Section 5 That the Department of Agriculture shall be charged with the enforcement of the provisions of this act.

Section 6 That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Department of Agriculture and when so collected and paid shall thereafter be by the Department of Agriculture paid into the State Treasury for the use of the Commonwealth.

Section 4 The act approved the eleventh day of April one thousand nine hundred and thirteen (P. L. 58) entitled "An act supplementary to an act entitled 'An act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof' approved the eleventh day of March Anno Domini one thousand nine hundred and nine providing for the denaturing by kerosene of all eggs unfit for food within the meaning of said act and providing penalties for the violation thereof" and its amendments are hereby repealed absolutely.

Section 5 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	Dent,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,

Coleman,
Cox,
Crider,
Crowe,
Deltrick,
DiSilvestro,

Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Reed,
Ruth,
Scarlett,
Shapiro,
Snowden,
Stevenson,

Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 316 CALLED UP ON THIRD READING POSTPONED

Mr. DEITRICK. Mr. President, I now call up Senate Bill No. 316, on third reading, postponed, page 18 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

BILL DROPPED FROM CALENDAR

Mr. DEITRICK. Mr. President, I move that Senate Bill No. 316, on third reading, postponed, entitled:

An Act to amend clause (b) of section five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance, providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," by providing that the judge of the court of common pleas, the president of the board of county commissioners, and the coroner shall constitute the county board of assistance in certain cases.

be dropped from the Calendar.

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

REPORTS FROM COMMITTEES

Mr. TALLMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. TALLMAN, from the Committee on County Government, reported as committed, Senate Bill No. 1001, (House Bill No. 750), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

Mr. WOODWARD. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD, from the Committee on Municipal Government, reported as committed, Senate Bill No. 961, (House Bill No. 654), entitled:

An Act authorizing counties, cities, except cities of the first class, boroughs, towns, townships, school districts, poor districts and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

Mr. HEYBURN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on Agriculture, reported as committed, amended, Senate Bill No. 977, (House Bill No. 1230), entitled:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant.

REPORT FROM COMMITTEE ON CONFERENCE ON HOUSE BILL No. 316, (SENATE BILL No. 535)

Mr. CRIDER. Mr. President, I ask unanimous consent to make report from Conference Committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, presented the report of the Committee of Conference on House Bill No. 316 (Senate No. 535), entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

The PRESIDENT. The report will be noted on the Calendar of June 11th.

REPORT FROM COMMITTEE ON EXECUTIVE NOMINATIONS

Mr. JAMES. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JAMES, from the Committee on Executive Nominations, reported with a favorable recommendation the following nominations, made by His Excellency, the Governor, of the Commonwealth:

APPOINTMENT AS JUSTICE OF THE PEACE IN HUNTINGDON COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 5, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Ralph L. Clark, Broad Top, Huntingdon County, for appointment as Justice of the Peace in and for the Borough of Broad Top City, Huntingdon County, until the first Monday in January, 1942, vice W. Ira Evans, deceased.

ARTHUR H. JAMES.

APPOINTMENT AS ALDERMAN IN LUZERNE COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 4, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas M. Dugan, 508 East Main Street, Nanticoke, Luzerne County, for appointment as Alderman in and for the First Ward of the City of Nanticoke, Luzerne County, until the first Monday in January, 1942, vice James G. Cooke, resigned

ARTHUR H. JAMES.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hanford J. Barnicle, Main Street, Carrolltown, Cambria County for appointment as Justice of the Peace in and for the Borough of Carrolltown, Cambria County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. JAMES and Mr. EDMONDS.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. JAMES and Mr. EALY,

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanlus,	Stiefel,
Bartlett,	Ealy,	Letzler,	Tallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsheer,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward,
Deltrick,	Japan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Mr. JAMES. Mr. President, I move that the Executive Session do now rise.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointments as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 10, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 10, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Alice G. Larkin, Moon Twp., Coraopolis.
Miss Mary W. McClure, Pittsburgh, 903 Grant Bldg.

LUZERNE COUNTY

Miss Kathryn Boyle, Wilkes-Barre.

PHILADELPHIA COUNTY

Arthur W. Smith, Phila., Edgcomb Steel Co., "D" St., below Erie Avenue.

WESTMORELAND COUNTY

Miss Ethel M. Johnson, Derry Twp., Box 151, Latrobe.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY

That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Barr,	DiSilvestro,	Lanius,	Stiefel,
Bartlett,	Ealy,	Letzler,	Fallman,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McCreesh,	Thomas,
Cavalcante,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wad,
Coleman,	Haluska,	Reed,	Watkins,
Cox,	Heyburn,	Rutt,	Wilson H. I.,
Crider,	Homsher,	Scarlett,	Wilson, T. B.,
Crowe,	James,	Shapiro,	Woodward
Deltrick,	Jaspan,	Snowden,	Ziesenheim,
Dent,	Kephart,	Stevenson,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 10, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles F. Stowe, R. D. 2, Sharon, Mercer County, for appointment as Justice of the Peace in and for the Township of Hickory, Mercer County, until the first Monday in January, 1942, vice Alex Elliott, resigned.

Glenn F. Cook, South St. Clair Street, Ligonier, Westmoreland County, for appointment as Justice of the Peace in and for the Borough of Ligonier, Westmoreland County, until the first Monday in January, 1942, vice W. H. Lowry, resigned.

ARTHUR H. JAMES.

APPOINTMENT AS CORONER IN BUTLER COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 10, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Charles Dengler, 137 West Jefferson Street, Butler, Butler County, for appointment as Coroner in and for the County of Butler, until the first Monday of January, 1942, vice Dr. M. E. Headland, deceased.

ARTHUR H. JAMES.

RESOLUTION FROM THE MIDWEST INTERSTATE ASSEMBLY

The PRESIDENT. The Chair is in receipt of a communication from the Midwest Interstate Assembly, which the Clerk will read and which will be spread upon the Journal.

Whereas, The Commissions on Interstate Cooperation of the nine Ohio River Basin States have, during the past four years, formulated the Ohio River Valley Water Sanitation Compact; and

Whereas, With the active support of the Cooperation Commissions, this Compact has been formally adopted by the states of Illinois, Indiana, Kentucky, New York, Ohio, and West Virginia; and

Whereas, The Ohio River Valley Water Sanitation Compact has passed the House of Representatives in the Commonwealth of Pennsylvania and is now before the Senate of the Commonwealth; and

Whereas, Action by the Commonwealth of Pennsylvania is necessary to put into operation this important interstate agreement, which affects the health and property of thousands of citizens of the States of the Valley;

Now, therefore, be it resolved, That the Midwest Interstate Assembly urges the Senate of the Commonwealth of Pennsylvania to give its most sympathetic consideration to the Ohio River Valley Water Sanitation Compact.

MOTION FOR ADJOURNMENT SINE DIE

Mr. McCREESH. Mr. President, it seems as though the Senators are going to waste another afternoon and I therefore ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH offered the following resolution which was twice read:

In the Senate, June 10, 1941.

Resolved, (if the House of Representatives concur), That this Regular Session of the General Assembly adjourn sine die, June 20th, 1941.

MOTION TO SUSPEND RULE 39

Mr. McCREESH. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions be referred to an appropriate committee, be dispensed with and the Senate proceed to the consideration of the foregoing resolution.

The PRESIDENT. Is there objection?

Mr. EALY. Mr. President, I am very desirous that we adjourn this session just as soon as possible, but we cannot fix a definite date until we get, among other things, a Congressional Reapportionment Bill, and it would be foolish for us to fix a definite date until we are satisfied that such a bill would be approved by both Houses.

Therefore, Mr. President, I object to immediate consideration of this resolution.

Mr. McCREESH. It seems to me, Mr. President, that the Senate is wasting quite a lot of time here. I do not think the gentleman from Somerset, Mr. Ealy, need worry about reapportionment, because he is fixed O. K. I say to you, now, Mr. President, in all sincerity that there is nothing now before the Senate except the budget to be signed and we should close up the Senate and go back home, where we are badly needed, and do something about what might happen in the future.

The PRESIDENT. Since there is objection to immediate consideration of the resolution it will be referred to the Committee on Rules.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess until 4:00 o'clock, p. m. E. S. T.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed the Senate will be in order.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 124, entitled:

An Act to reenact and amend the title and the act, approved the twenty-eighth day of April, one thousand nine hundred and thirty-seven (P. L. 417), entitled "Milk Control Law," by substituting the term "handler" for the term "milk dealer"; defining the terms "handle" and "handler"; extending the provisions of the act to those who handle milk by bailment, brokerage, consignment or purchase and by giving certain additional rights to producers' and farmers' unions or organizations producing milk.

House Bill No. 382, entitled:

An Act authorizing counties, cities, boroughs, incorporated towns and townships to appropriate money for the establishment or continuance of Federal Food Stamp plans therein.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILL No. 1022 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 10, 1941.

Resolved, (if the Senate concur), that Senate Bill No. 650, (House Bill No. 1022), entitled:

An Act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties" permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 10, 1941.

Resolved, (if the Senate concur), that Senate Bill No. 633, (House Bill No. 949), entitled:

An Act to further amend section nine of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 363), entitled "An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom" by imposing liability on executors, administrators or trustees for real estate broker's commissions in certain cases

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION THAT SENATE SHALL TAKE ACTION NECESSARY TO BRING SENATOR ANTHONY CAVALCANTE BEFORE THE BAR

He also presented extract from the Journal of the House, which was twice read as follows:

In the House of Representatives, June 10, 1941.

Whereas, On June 5, 1941, pursuant to a resolution adopted by the Senate and House of Representatives, a Joint Committee was appointed to investigate certain charges made on the floor of the Senate by Senator Anthony Cavalcante; and

Whereas, On June 9, 1941, the committee made the following report, which contained inter alia:

"Inasmuch as the gentleman from Fayette, Mr. Cavalcante, the originator of the charges that a criminal conspiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed;"

and

Whereas, In so doing he has ignored and refused to recognize the process of the General Assembly; and

Whereas, In concluding its report, the said Joint Committee stated:

"The said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instructions and advice of the said respective bodies;"

and

Whereas, The above mentioned Anthony Cavalcante is a member of the Senate from Fayette County, and subject to the laws of the Commonwealth of Pennsylvania and the rules of the Senate governing members of that body; now therefore be it

Resolved, (if the Senate concur), That the Senate take immediately such action as shall be necessary to bring the aforesaid Anthony Cavalcante before the bar of the Senate and there instruct him to answer the processes of the said Joint Committee or for such other action as the Senate may prescribe in accordance with the Constitution and the laws of this Commonwealth.

On the question,

Will the Senate agree to the resolution?

Mr. SHAPIRO. In view of the fact, Mr. President, that a number of the members of the Senate are not here, and some who are here did not come in until after the beginning of the reading of the resolution, I suggest, Mr. President, that this resolution be read again. The House

has sent me a number of copies, and I shall be glad to give anybody a copy of it. I suggest that the resolution be laid on the table for a few minutes until the members are assembled.

The Clerk again read the resolution.

And the question recurring,

Will the Senate agree to the resolution?

MOTION TO ADOPT RESOLUTION

Mr. SHAPIRO. Mr. President, I move that the Senate adopt the resolution.

RESOLUTION LAID ON TABLE

Mr. GELTZ. Mr. President, I understand from the members of the committee that Dr. Mundy, one of its members, will not be here, and I therefore move that this resolution be laid on the table.

Mr. MILLER. I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, I do not think this resolution concerns Dr. Mundy, and it is not a question of how the committee feels. This resolution asks for an expression from the Senate as to whether or not the Senate is willing to adopt this resolution which has been adopted by the House.

Mr. President, I object to the motion that this resolution be laid on the table, and ask my colleagues to vote "no."

Mr. GELTZ. Mr. President, I cannot see the necessity of injecting into this situation what appears to be some personal feeling. It does make a difference if Dr. Mundy is not here. Dr. Mundy was appointed as a member of this Joint Legislative Committee, as a representative of the Senate, and certainly he is entitled to that much respect from us, that we would consult him and the other members of the committee.

In addition to that, Mr. President, I am not certain, but from the wording of this resolution, it appears as though the House is endeavoring to tell the Senate what to do, and I do not think that is at all necessary. That is another reason for this motion.

Mr. SHAPIRO. Mr. President, I disclaim any question of personal feeling in the matter. This is a House resolution, and if the gentleman is talking about referring this to a committee, a majority can always do that. This is a motion to lay on the table.

Mr. President, this Senate has been in session today, and I am here—I have great respect and admiration for Dr. Mundy, and I do not think if he knew he would object to the Senate considering this matter now, and it is for that reason that I object to having this resolution laid on the table because Dr. Mundy is not here.

Mr. HALUSKA. Mr. President, this is a very, very important resolution, and I think this resolution should be printed so that each member may have an opportunity to read and study it. We are not adjourning today. We have other business to conduct, and I think this resolution should be laid on the table, printed and placed on each Senator's desk, to give us the opportunity of studying it and then voting as we see fit.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. GELTZ and Mr. MILLER, and were as follows, viz:

YEAS—31

Bartlett,	Edmonds,	Mallery,	Tyler,
Becker,	Farrell,	Miller,	Wade,
Carr,	Geltz,	Reed,	Watkins,
Chapman,	Haluska,	Scarlett,	Wilson, H. I.,
Crider,	Homsher,	Snowden,	Wilson, T. B.,
Crowe,	James,	Tallman,	Woodward,
Deltrick,	Jaspan,	Taylor,	Ziesenheim
Ealy,	Kephart,	Thomas,	

NAYS—10

Barr,	Dent,	McQuiddy,	Shapiro,
Coleman,	Lanius,	Ruth,	Stiefel,
Cox,	McCreesh,		

PRESENT—2

Cavalcante,	Stevenson,
-------------	------------

So the question was determined in the affirmative.

MOTION THAT RESOLUTION BE PRINTED

Mr. HALUSKA. Mr. President, I now move that the resolution we have just passed be printed and placed on each Senator's desk by tomorrow.

Mr. SHAPIRO. I say, Mr. President, there are about seventy-five copies of this resolution, sent over from the House, and I shall be glad to have a copy placed on the desk of each Senator.

MOTION WITHDRAWN

Mr. HALUSKA. Under the circumstances, Mr. President, I withdraw my motion that the resolution be printed.

SENATE BILL No. 889 CALLED UP ON FINAL PASSAGE

Mr. WADE. Mr. President, I now call up Senate Bill No. 889, on final passage, page 2 of the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I should like to say to the gentleman who just called this bill up, the gentleman

from Cumberland, Mr. Wade, who is a co-sponsor of this bill with the gentleman from Luzerne, Dr. Mundy, I understood from the gentleman from Luzerne, Dr. Mundy that he has had an amendment he intended to offer to this bill. Since the gentleman from Luzerne is not here I hope that the same courtesy will be now given to him as was just given to him a few minutes ago, when the resolution was laid on the table, and ask that this will be permitted to go over in its order.

Mr. WADE. Is that an interrogation, Mr. President?

Mr. SHAPIRO. Mr. President, it is a request that Senate Bill No. 889 be permitted to go over in its order, in view of the fact that it concerns the same gentleman to whom a similar courtesy was extended a few minutes ago. The gentleman from Luzerne is very much interested in this bill.

Mr. WADE. Mr. President, I was assured by Dr. Mundy yesterday that he has no amendments to offer to this bill. However, he is a co-sponsor and with reference to the request of the gentleman from Philadelphia, Mr. Shapiro, I shall be very glad to accede to that request.

Mr. SHAPIRO. Mr. President, the gentleman from Luzerne told me yesterday, in caucus, that he had amendments he wanted to prepare to this bill and he stated he would have them ready shortly. That is my only reason for making the suggestion.

BILL OVER IN ORDER

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 889, on final passage, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

REPORT FROM COMMITTEE

Mr. THOMAS B. WILSON. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS B. WILSON, from the Committee on Welfare, Public Assistance and Pensions, reported as committed, Senate Bill No. 1169, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for the purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 263, entitled:

An Act to establish a system, uniform throughout the Commonwealth, for the compensation of witnesses, regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 371, (House Bill No. 578), entitled:

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 703, (House Bill No. 803), entitled:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment. Where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 710, entitled:

An Act to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections

imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 711, entitled:

An Act to amend section four hundred fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the appointment of overseers of election.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL DROPPED FROM CALENDAR

Mr. WOODWARD. Mr. President, I move that Senate Bill No. 743, on second reading, postponed, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1933) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of election; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," as amended, by imposing further duties upon county boards of elections and their employees, and courts; providing for the appointment of examiners of elections and prescribing their duties; reducing the number of watchers that may be appointed for any primary or election, and reducing their compensation, and limiting the time in which requests for appointment of watchers may be filed; providing for reports of rooms and buildings used or proposed to be used as polling places; prescribing a procedure whereby party officers may be removed from office providing for challenge of persons disqualified for violation of this act; changing the method by which district election officers shall make returns of votes cast, and the method by which the returns shall be computed by county boards of elections; requiring expense accounts to be accompanied by vouchers for all items in excess of three dollars; providing additional penalties; and further clarifying and coordinating certain provisions of said act

be dropped from the Calendar.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 749, (House Bill No. 319), on second reading, entitled:

An Act to further amend section one of the act approved the eleventh day of May one thousand nine hundred eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" allowing inspectors their expenses in attending State conventions of sealers of weights and measures

be recommitted to the Committee on County Government.

Mr. DEITRICK. Mr. President, I second the motion. The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 754, (House Bill No. 652), on second reading, entitled:

An Act authorizing any county city borough town township poor district school district or institution district to execute a special warranty deed for any real property which it has acquired at any sale for the nonpayment of taxes or municipal claims

be recommitted to the Committee on Judiciary General for the purpose of further consideration.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 769, (House Bill No. 1194), on second reading, entitled:

An Act to amend sections two and three of the act approved the eleventh day of May one thousand nine hundred and eleven (P. L. 275) entitled "An act to provide for the appointment of county and city inspectors of weights and measures providing for their compensation and expenses prescribing their duties prohibiting vendors from giving false or insufficient weights and fixing the penalties for the violation of the provisions hereof" as amended by providing for the issuance of certificates of approval for weights and measures of county city and borough sealers

be recommitted to the Committee on State Government for the purpose of further study.

Mr. WATKINS. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 848, (House Bill No. 358), entitled:

An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts

and parts of acts relating to elections" by further fixing the fees for filing nomination petitions in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 852, on second reading, entitled:

An Act to further amend subsection (d) of section one thousand four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by limiting the liability of insurance exchange subscribers to assessment

be recommitted to the Committee on Insurance for the purpose of further study.

Mr. EDMONDS. Mr. President, I second the motion. The motion was agreed to.

Mr. GELTZ. Mr. President, I move that Senate Bill No. 853, on second reading, entitled:

An Act to further amend section six hundred and one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled as amended "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," extending the definition of insurance agent to include persons, copartnerships, associations and corporations giving advice, counsel, recommendations or information to holders of policies of insurance or annuity contracts

be recommitted to the Committee on Insurance for the purpose of further study.

Mr. WADE. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 870, entitled:

An Act to amend section one of the act, approved the twelfth day of June, one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies, issued by any company authorized to insure title, of which possession may be taken by the Secretary of Banking; and providing further for the use

for that purpose of reserve funds accumulated by such companies to protect such policy-holders; providing also for the form of such reinsurance and defining the extent of the liability thereunder, and also for suits at law to recover thereon," by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 878, (House Bill No. 1265), entitled:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 881, entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts or poor districts to make contracts of life, health, and accident policies for the benefit of employees thereof, and contracts for pensions for such employees; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization; and extending the provisions of the act to vocational school districts and institution districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO RECOMMIT BILL

Mr. GELTZ. Mr. President, I move that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen

be recommitted to the Committee on Judiciary Special for the purpose of further study.

Mr. EALY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. SHAPIRO. Mr. President, this bill will have to be rereferred. It was originally in the Committee on County Government.

The PRESIDENT. The motion is that it shall be rereferred to the Committee on Judiciary Special.

Mr. COLEMAN. Mr. President, I do not desire to ask for a roll call. I simply want to spread on the record my objection to the recommitting of Senate Bill No. 890.

Mr. BARR. Mr. President, I should like the record to show, also, my objection to recommitting this bill.

The PRESIDENT. The Chair understands the gentleman from Lackawanna and also the gentleman from Allegheny, Mr. Barr, desire the record to show them as voting in the negative.

Mr. COLEMAN. Mr. President, I do not believe that women have any monopoly of the prerogative of changing their minds and accordingly, as this is a very important bill, I am going to ask that the roll be called on the motion to recommit this bill.

Mr. GELTZ. Mr. President, I had intended merely to request that this bill be recommitted.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I now ask unanimous consent that Senate Bill No. 890, (House Bill No. 139), on second reading, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 905, entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rents, leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by miners, lunatics, habitual drunkards, or weak-minded persons a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent or unheard of for seven years, by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have

arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may not have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died refused to act, unreasonably withheld consent, or be absent and unheard of; where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decrees," extending the provisions of said act to cases where real estate is held by entreties, and one spouse has been declared weak-minded or mentally incompetent.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 908, on second reading, entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification, jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 957, (House Bill No. 529), on second reading entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. KEPHART. Mr. President, I move that Senate Bill No. 999, on second reading, entitled:

An Act to amend an act approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and

sale of the property of deserters; and providing procedure," as amended, by further defining the liability of certain relatives for the support of indigent persons and authorizing execution against certain property in certain cases

be recommitted to the Committee on Welfare, Public Assistance and Pensions for the purpose of further consideration.

Mr. GELTZ. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders or securities to effect the sale thereof in order to produce funds to pay for other investments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common Pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. EDMONDS. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1 (Sec. 2), page 12, line 25, by striking out the word "any" and inserting in lieu thereof the word: "the"; amend Section 1 (Sec. 2), page 12, line 26 by striking out the word "the" and inserting in lieu thereof the following: "any"; amend Sec. 1 (Sec. 2), page 12, line 26, by striking out the words "news magazine" and inserting in lieu thereof the following: "newsmagazine"; amend Sec. 1 (Sec. 2), page 12, line 27, by inserting before the word "financial" the following: "business or"; amend Sec. 1 (Sec. 2), page 12, line 27, by striking out the word "publications" and inserting in lieu thereof the following: "rublication"; amend Section 1 (Sec. 3), page 16, lines 5 and 6, by striking out the words "the business of"; amend Sec. 1, (Sec. 6), page 19, line 6, by striking out the words "or renewal application as the case may be"; amend Sec. 1 (Sec. 11), page 23, line 23, by inserting after

the word "person" the following: "except a solicitor"; amend Sec. 1 (Sec. 11), page 24, line 12, by striking out the word "hereinafter" and inserting in lieu thereof the following: "herein"; amend Sec. 1 (Sec. 15), page 33, line 7, by inserting after the word "salesmen's" the following: "or solicitors"; amend Sec. 1 (Sec. 15), page 33, line 8, by removing the light face brackets before and after the word "registration" at the beginning of the line; amend Sec. 1 (Sec. 15), page 33, line 8 by striking out the following: "or solicitor's registrations"; amend Sec. 1 (Sec. 16), page 33, line 17, by underscoring the following: "of any investment adviser"; amend Sec. 1 (Sec. 21), page 40, line 17, by inserting before the word "investment" the following: "any"; amend Sec. 1 (Sec. 21), page 40, line 17, by striking out the word "accounts" and inserting in lieu thereof the following: "account"; amend Sec. 1 (Sec. 22), page 41, line 8, by inserting after the word "and" the following: "any investment adviser who shall in this State, without being registered hereunder, engage in the business of advising other persons, either directly or through publication or writing, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who for compensation manages any trading or investment account for another person, or who for compensation and as part of his regular business issues or promulgates analyses or reports concerning securities, and any solicitor who shall in this State, without being registered hereunder, solicit any person to contract for or engage the services of any investment adviser, and"; amend Sec. 1 (Sec. 22), page 41, lines 21 and 22, by striking out the following: "who shall represent himself as an investment adviser or solicitor without being registered hereunder"; amend Sec. 1 (Sec. 27), page 47, line 8, by placing light face brackets before and after the word "first" thus: "[first]"; amend Sec. 1 (Sec. 27), page 47, line 8, by inserting before the word "day" the following: "thirtieth"; amend Sec. 1 (Sec. 27), page 47, line 8, by placing light face brackets before and after the word "July" thus: "[July]"; amend Sec. 1 (Sec. 27), page 47, line 8, by inserting before the word "of" at the end of the line the following: "June".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections were read and agreed to.

The title was read and agreed to.

On the question,

Will the Senate agree to the bill on second reading as amended?

BILLS OVER IN ORDER

Mr. EDMONDS. Mr. President, I ask unanimous consent that Senate Bill No. 1000, (House Bill No. 567), on second reading, as amended, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1037, on second reading, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled

"An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regards thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1054, on second reading, entitled:

An Act to amend sections four, five, thirty, thirty-one and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries; and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1055, entitled:

An Act to amend sections five, six, thirty-one, thirty-two and thirty-nine of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries; and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts,

judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors; imposing penalties; and repealing existing legislation," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

The first section was read and agreed to.

The second section was read.

On the question,

Will the Senate agree to the section?

Mr. MALLERY. Mr. President, I desire to offer an amendment.

The Clerk read the amendment as follows:

Amend section 2, page 4, line 12 by striking out the word "registrar" and insert in lieu thereof: "register".

On the question,,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third to the seventh sections of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1076, (House Bill No. 1493), entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 1077, (House Bill No. 1494), entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties"

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1078, (House Bill No. 1495), entitled:

A Supplement to the act approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (P. L. 2423), as amended, entitled, "An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the members or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties."

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1087, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1088, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849) entitled, "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political

parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1089, entitled:

An Act to amend the act approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election board, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1090, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries,

sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1091, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1092, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814) entitled, "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, courts, judges, prothonotaries, sheriffs, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1093, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1103, entitled:

An Act to further amend section two hundred twenty of the act, approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1104, entitled:

An Act to amend section three hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1225) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for the issuing of free hunters' licenses to persons over sixty-five years of age.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

SENATE BILL No. 1047 ON THIRD READING CALLED UP

Mr. THOMAS B. WILSON. Mr. President, I now call up Senate Bill No. 1047, on third reading and final passage, page 13 of the Calendar, which went over in its order, by reason of questions asked by the gentleman from Philadelphia, Mr. Shapiro

Mr. GELTZ. Mr. President, I second the motion.
The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1047, as follows:

An Act to further amend the act approved the seventh day of May one thousand nine hundred twenty-three (P. L. 151) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" providing for the administration and enforcement of said act by the Department of Labor and Industry exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees Fahrenheit and empowering the Department of Labor and Industry to make alter amend and repeal rules and regulations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That the act approved the seventh day of May one thousand nine hundred twenty-three (P. L. 151) entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance constructions and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" as amended by the act approved the seventh day of April one thousand nine hundred twenty-seven (P. L. 139) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same that no person co-partnership association or corporation shall erect construct maintain or operate any dry cleaning or dyeing establishment or business except in accordance with the provisions of this act

For the purpose of this act "dry cleaning and dyeing" shall be construed to mean the business of cleaning sponging or dyeing cloth feathers any kind of fabrics or textiles by the use of any inflammable volatile liquid or product having a flash point of less than one hundred and forty degrees Fahrenheit closed cup tester

Section 2 No person copartnership association or corporation shall erect maintain construct or operate any dry cleaning or dyeing establishment or business without first obtaining approval from the Department of Labor and Industry Application for such purpose shall be made upon form prescribed by said department and shall be accompanied by drawings covering floor plan roof plan and exterior elevations of the building including thereon the position of all machinery and equipment steam fire extinguishing lines exhaust fans motor storage tanks and such other requirements of the act as it relates to the construction maintenance equipment and operation of the dry cleaning and dyeing establishment or business to be erected constructed maintained or operated Plot plan shall also be furnished showing the location of the dry cleaning building and relative distances to surrounding properties

No dry cleaning dyeing tumbler or drying room shall be located within ten feet of any other building unless separated therefrom by an unpierced fire wall but in no case shall more than two sides of a dry cleaning or dyeing room have blank walls and such rooms shall be provided with at least two exits remote from each other having access to the outside of building All rooms used or to be used for the purpose of dry cleaning or dyeing as above defined shall be noncombustible material and

construction shall not exceed one story in height shall be without basement cellar or open space below the ground floor No dry cleaning building shall be used for any purpose or occupancy other than dry cleaning dyeing and reclaiming gasoline and such other rooms or departments necessary for power and for the receiving and finishing of materials

Section 3 All walls of such dry cleaning dyeing tumbler and drying rooms shall be of brick laid in cement-mortar or of reinforced concrete not less than twelve inches in thickness or of stone laid in cement-mortar not less than sixteen inches in thickness or of other non-combustible material constructed of a thickness of not less than twelve inches Provided that the construction specified heretofore in this section shall not apply to such other rooms or departments as permitted in which no inflammable liquid or compound will be present handled or used but such rooms shall be constructed with exterior walls of noncombustible material not less than eight inches in thickness and shall not exceed one story in height The roof of such building shall be of fire-resistive construction with no concealed roof space No combustible material shall be permitted in the construction of drying room racks

All windows doors or other openings in dry cleaning buildings shall be protected by wire glass in metal frames or fireproof shutters doors or covers Intercommunicating openings from dry cleaning dyeing tumbler and drying rooms shall be provided with standard self-closing fire doors

Venting apertures near floor level shall be provided in dry cleaning dyeing tumbler and drying rooms kept clear of obstruction covered by suitable galvanized wire web and in such numbers and position so as to provide free circulation of air

In dry cleaning dyeing tumbler and drying rooms sparkless exhaust fan of sufficient size to properly vent room and flue of noncombustible material shall be built into the wall or securely fastened thereto so as to change volume of air every five minutes

All discharge outlets of vent apertures shall be provided with suitable wire screen or equivalent and located without hazard to surrounding property

There shall be no direct sewer connections with dry cleaning dyeing tumbler and drying rooms and floor of such rooms shall be of concrete construction not lower than surface of earth surrounding wall

Section 4 No steam boiler furnace or steam generator or heating device exposed fire or other spark emitting device shall be permitted in any dry cleaning dyeing tumbler drying or distilling room or in line of vapor travel therefrom

Heating of such buildings shall be by steam or hot water system or equivalent in safety

All electric wiring and equipment including motors shall conform to the regulations of Department of Labor and Industry

Transfer of all liquids shall be through continuous piping pipe connections or threaded joints shall be made up litharged and glycerined and all outlets or drain lines shall be drained by gravity to settling or storage tanks No dry cleaning liquid shall be settled in any open or unprotected vessels or tanks Provided that nothing in this section shall prohibit scrubbing and brushing in dry cleaning rooms but not more than three gallons of volatile fluid shall be used in any one container and shall be so used in metallic pan or container and such volatile liquid or substance shall be returned to settling or storage tanks as soon as operation is completed

Storage tanks or volatile inflammable liquids shall conform to the regulations of the Department of Labor and Industry and no such tanks shall be installed without approval from said department

Section 5 Fire extinguishers of approved type shall be provided for each two hundred square feet of floor space or when separate rooms are maintained one extinguisher for each room

As a means of fire extinguishment in any dry cleaning dyeing tumbler and drying rooms the same shall be

equipped with steam pipes separate and other than pipes used for heating or power located near the ceiling In these pipes there shall be not less than two openings all of which shall point toward the ceiling The steam supply for such pipes shall be continually available for service while the plant is in operation and shall be sufficient to completely fill the room space in less than one minute An outside screw and yoke valve shall be placed in the steam service line or lines outside of these rooms and shall be accessible for operation in case of fire Such fire protection system shall be extended and connected to washers and tumblers so that the fire extinguishing agent may be admitted to the interior of such machines An approved system using a fire deterrent chemical or gas may be installed in lieu of a steam extinguishing system

Section 6 Nothing contained in the preceding sections of this act shall be construed to apply to any dry cleaning or dry dyeing plants or systems exclusively using a petroleum solvent having a flash point of 140 degrees Fahrenheit or above (closed cup tester) which are completely equipped in the process of manufacture and employ only closed containers provided that such plants and systems shall conform in all other respects to the regulations of the Department of Labor and Industry for safeguarding employes in dry cleaning and dry dyeing plants

The Department of Labor and Industry shall have the power and its duty shall be to make alter amend and repeal rules and regulations for carrying into effect all the provisions of this act and applying such provisions to specific conditions

Section 7 Nothing in this act shall be construed so as to restrict or limit the location of any building actually being used for dry cleaning purposes prior to passage of this act except where the fire hazard is in the opinion of the Department of Labor and Industry of such character as would menace or endanger surrounding property

Nor shall the provisions of this act be held to apply to any building business or establishment now in use so as to cause the same to be rebuilt but should any dry cleaning building or part thereof be reconstructed rebuilt or repaired the same shall as to new work be so reconstructed rebuilt or repaired in conformity with the provisions of this act

Nothing in this section shall be so construed as to relieve any person copartnership association or corporation from responsibility criminal or otherwise because of noncompliance with or violation of any of the provisions of the act to which this act is an amendment

Section 8 Any building inspector fire chief of any community inspector of the Department of Labor and Industry or State Fire Marshal shall be permitted to enter any building or buildings at any reasonable hour for purpose of inspection

Section 9 Any person copartnership association or corporation or any member or officer of any copartnership association or corporation who shall violate any of the provisions of this act shall upon conviction be sentenced for the first offense to pay a fine of not less than ten dollars nor more than fifty dollars and for any subsequent offense to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs the person or the member or officer of any such copartnership association or corporation responsible for such violation shall be imprisoned for a period of not less than ten days nor more than sixty days

Prosecutions for violations of this act shall be in the form of summary proceedings instituted before a magistrate alderman or justice of the peace Upon conviction after a hearing the sentences provided in this act shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury through the Department of Revenue

Section 10 This act shall not be construed to repeal

an act of General Assembly approved the eighteenth day of April one thousand eight hundred and sixty-four (P. L. 465) entitled "An act to provide for the appointment of a Fire Marshal for Allegheny County" nor to repeal an act of General Assembly approved the eighth day of June one thousand nine hundred and eleven (P. L. 705) entitled "An act creating the office of Fire Marshal to be attached to the Department of Public Safety in cities of the first class prescribing his duties and powers and providing penalties for violation of the provisions of the act and providing for the method of appointment compensation and for the maintenance of his office

All act and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, I am going to vote "no" on this bill because I still do not understand the purpose of exempting this particular class of people. I may be wrong but I have not had time and have not received sufficient information to make up my mind on it.

Mr. THOMAS B. WILSON. Mr. President, this provision exempts this solvent because protection is not required by the underwriters, and thirty-five different states in the union exempt those plants which use this solvent from this kind of inspection.

I might say, Mr. President, I have very carefully examined the matter since the question was raised this morning and I want to say to the Senate this provision is not a provision which exempts people who sell certain kinds of a solvent, but it simply exempts those who use a process that has been recognized by the underwriters and different states of the union as a safe process.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Ealy,	McQuiddy,	Taylor,
Becker,	Edmonds,	Miller,	Thomas,
Carr,	Farrell,	Reed,	Tyler,
Cavalcante,	Geltz,	Ruth,	Wade,
Chapman,	Haluska,	Scarlett,	Watkins,
Coleman,	Homsher,	Snowden,	Wilson, H. I.,
Cox,	James,	Stevenson,	Wilson, T. B.,
Crider,	Kephart,	Stiefel,	Ziesenheim,
Crowe,	Mallery,	Tallman,	Woodward,
Deltrick,			

NAYS—6

Barr,	Jaspan,	McCreesh,	Shapiro,
Frey,	Lanlus,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

SENATE BILL No. 575 ON SECOND READING POSTPONED CALLED UP

Mr. GELTZ. Mr. President, I now call up Senate Bill No. 575 on second reading, postponed, page 35 of the Calendar.

Mr. CHAPMAN. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 575, entitled:

An Act to further amend sections 1, 2 and 7 of the act approved the third day of June, one thousand nine hundred and eleven (P. L. 639) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by defining certain terms, imposing certain additional duties upon the State Board of Medical Education and Licensure; making provision for graduate students from other states, territories and Canada and providing for automatic suspension of registration in case of mental incompetency.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. CHAPMAN. Mr. President, I desire to offer amendments:

The Clerk read the amendments as follows:

Amend Sec. 1, page 20, line 18, by striking out the light-faced brackets before and after the word: "registered" at the end of the line. Amend Sec. 1, page 20, line 19, by striking out the word "licensed" at the beginning of the line.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section was read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 415, (House Bill No. 653), entitled:

An Act to add clause eighteen A to section three of

article nineteen of the act, approved the seventh day of March, one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class," authorizing cities of the second class to impose and collect charges for the care and treatment at municipal hospitals of persons who are financially able to pay the expenses of such care and treatment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 616, entitled:

An Act to further amend clause Six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties"; providing that officers and employees of the Department of Public Instruction including State Teachers Colleges who are not members of or who may withdraw from the public school employee's retirement association may become employees of the State Employees' Retirement Association and receive credit for their service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 617, entitled:

An Act to further amend clause seven of Section one of the act approved the eighteenth day of July, one thousand nine hundred seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" extending the time for officers and employees of the Department of Public Instruction including State Teachers Colleges to withdraw from the Retirement System and receive reimbursement for moneys paid in.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 634, (House Bill No. 974), entitled:

An Act to amend article twelve section one thousand two hundred six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal

Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by providing for the issuance of a certificate of approval for weights and measures of county city and borough sealers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 728, (House Bill No. 179), entitled:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a defect in the names of the parties in certain cases and providing certain exceptions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 760, (House Bill No. 739), entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employee.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 770, (House Bill No. 1198), entitled:

An Act to add subdivision (e) to article two and to amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consid-

eration of Senate Bill No. 809, (House Bill No. 215), entitled:

An Act to further amend sections one and four of the act, approved the sixteenth day of May, one thousand nine hundred and nineteen (P. L. 180), entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims," extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 819, (House Bill No. 1326), entitled:

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance, alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 820, (House Bill No. 1327), entitled:

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the service of the United States.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 897, (House Bill No. 834), entitled:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 911, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 924, (House Bill No. 1035), entitled:

An Act to further amend clause ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "new member."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 935, entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 961, (House Bill No. 654), entitled:

An Act authorizing counties, cities, except cities of the first class, boroughs, towns, townships, school districts, poor district and institution districts, at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims; provide for the management of such real property and for the re-sale and conveyance of their interests to a purchaser.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 977, (House Bill No. 1230), entitled:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P. L. 730), entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act and requiring separate registration for each bottling or manufacturing plant.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1001, (House Bill No. 750), entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1028, entitled:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belong and has always belonged, to the Commonwealth of Pennsylvania; vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig, dredge or remove any sand, gravel or other soil under tidal water of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of sand, gravel or other soil without procuring such license and entering into such agreement.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1080, (House Bill No. 1636), entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1082, (House Bill No. 1658), entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," by further regulating the manner of letting contracts relating to city affairs.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1083, (House Bill No. 1670), entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits; and making such sections lawful sewers of such cities.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares, and merchandise, and providing for the collection of said tax," as amended, exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production, loading pockets, places of storage and workshops

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1122, (House Bill No. 1197), entitled:

An Act to amend Sections 201, 202, 204, 205, 211 and 805 of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing certain provisions relating to the incorporation of new boroughs, and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more, and for the organization of the government therein.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1169, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assist-

ance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance, abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL No. 1007, (HOUSE BILL No. 230)

The Clerk of the House of Representatives being introduced, informed the Senate that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL No. 1010, (HOUSE BILL No. 234)

He also informed the Senate that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN SENATE AMENDMENTS TO HOUSE BILL No. 663, AND APPOINTS COMMITTEE ON CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectible, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

and that the House of Representatives has appointed Messrs. Achterman, Readinger and Winner as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

CONFERENCE COMMITTEE APPOINTED ON SENATE BILL No. 507, (HOUSE BILL No. 1385)

He also informed the Senate that the House of Representatives has appointed Messrs. Tate, Sheffer and Brethrick as a Committee of Conference to confer with a sim-

ilar committee of the Senate (already appointed) to consider the differences existing between the two houses in relation to said bill.

LEAVE OF ABSENCE

Mr. SHAPIRO, of Philadelphia County, asked and obtained leave of absence for himself for June 11.

Mr. REED, of Washington County, asked and obtained leave of absence for himself, for the balance of the week.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Wednesday, June 11, 1941, at 2 o'clock, p. m., Eastern Standard Time.

Mr. THOMAS B. WILSON. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:03 o'clock, p. m., Eastern Standard Time, until Wednesday, June 11, 1941, at 2 o'clock, p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 10, 1941

The House met at 12 m.

Mr. TURNER in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall, offered the following prayer:

O God, our Father, help us to realize that because of Thy goodness we have been blessed. Make us ever conscious of the fact that we are our brother's keeper, and as such, must give a good account of ourselves to Thee. Open Thou the windows of our imagination that we may more clearly recognize the souls of others, and being conscious of this, may be desirous of embracing them in a better understanding and sympathy as they face life with its perplexing problems and sorrows.

Help us to see that it is kindness and loyalty in the hearts of men that brings its greatest reward of security and loyalty to Thee, to the State, and to the Nation. Teach us how to live lives of service. In Thy name we pray. Amen.

JOURNAL APPROVED

The SPEAKER pro tempore. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ALLMOND, unanimously agreed to, the further reading was dispensed with and the Journal approved.

REPORTS FROM COMMITTEES

Mr. HAMILTON, from the Committee on Townships, reported as committed, House Bill No. 1101, entitled:

An Act to amend section one thousand five hundred and one, and one thousand five hundred and eight of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning

townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further regulating sewer connections and sewer district assessments in certain cases.

Mr. BOORSE, from the Committee on Cities—First Class, reported as committed, House Bill No. 1710, entitled:

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

Mr. LEVY, from the Committee on Military Affairs, reported as committed, House Bill No. 1738, entitled:

An Act to amend Route 22045 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. LEVY, from the Committee on Military Affairs, reported as committed, House Bill No. 1739, entitled:

An Act to amend Route 38043 of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

Mr. FRENCH, from the Committee on Cities—First Class, reported as committed, House Bill No. 1370, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

Mr. CORDIER, from the Committee on Military Affairs, reported as committed, House Bill No. 1802, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any war in which the United States was engaged.

Mr. MORAN, from the Committee on Labor, reported as amended, House Bill No. 1231, entitled:

An Act to promote the general welfare and to protect

the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

Mr. O'MULLEN, from the Committee on Motor Vehicles, re-reported as amended, House Bill No. 1652, entitled:

An Act to further amend sections eight and eleven of the act approved the fifteenth day of May one thousand nine hundred thirty-three (P. L. 553), entitled "An act relating to the financial responsibility of operators and owners of motor vehicles and to make uniform the law with reference thereto requiring operators and owners of automobiles under certain circumstances to furnish proof of financial responsibility as herein defined providing for the suspensions of operators' licenses and motor vehicle registration certificates in certain cases regulating insurance policies which may be accepted as proof of financial responsibility imposing duties upon the Secretary of Revenue the State Treasurer and prothonotaries and prescribing penalties" by giving the secretary discretionary power under certain circumstances to suspend operators' licenses and providing for notice and hearing before suspension of licenses and registrations.

Mr. MUNLEY, from the Committee on Motor Vehicles, re-reported as amended, House Bill No. 1365, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees and prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as variously amended authorizing the Secretary of Revenue to establish a system of permanent registration of vehicles and further regulating the operation of vehicles and the suspension of registrations and operating privileges giving the Pennsylvania Turnpike Commission power to regulate traffic on turnpikes extending the time limit for cities of the second class A to make certain changes in traffic signals extending the liability of political subdivisions to include negligent operation of their vehicles drawn by animal power amplifying and changing provisions of said act relating to lighting signal and warning devices redefining the term dealer further regulating dealers in junked vehicles permits for oversize and overweight vehicles use of school buses registration plates and cards maximum size of vehicles and medical examinations by physicians providing for payment of certain fees by counties limiting and providing new exemptions from the various provisions of said act giving additional authority to peace officers and department employes in the matter of investigations further regulating prosecutions giving certain powers to local authorities for the regulation of traffic and the establishment of

traffic courts changing and fixing additional fees changing and imposing new penalties giving the secretary additional powers and duties imposing additional duties on keepers and employers of garages and repair shops providing refunds to certain persons entering Federal services and making an appropriation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. WOLF for himself for the remainder of the week.

Mr. LEONARD for himself for the remainder of the week after tomorrow's session.

Mr. RHEA for himself for the remainder of the week after tomorrow's session.

Mr. HARMUTH for himself for the remainder of the week after tomorrow's session.

Mr. BRETH for himself for the remainder of the week after tomorrow's session.

Mr. REUBEN E. COHEN for himself for the remainder of the week after tomorrow's session.

Mr. MONKS for himself for the remainder of the week after tomorrow's session.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 376

Mr. KNOBLE. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 376.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. METTHEW J. WELSH asked and obtained permission for the Committee on Military Affairs to meet during the session of the House.

Mr. FINNERTY asked and obtained permission for the Committee on Cities-First Class to meet during the session of the House.

Mr. LOVETT asked and obtained permission for the Committee on Labor to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 316

Mr. LEVY. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 316.

The SPEAKER pro tempore. The report will lie over for printing under the rules.

RESOLUTION

RECALLING HOUSE BILL No. 949 FROM THE GOVERNOR

Mr. REUBEN E. COHEN offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), that House Bill No. 949, Printer's No. 717, entitled "An act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363), entitled 'An act relating to the organization jurisdiction and

procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom' by imposing liability on executors administrators or trustees for real estate broker's commissions in certain cases"

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATORY RESOLUTION

Mr. NAGEL offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 10, 1941.

Today marks a noted event. On June 10, 1869, the Stork delivered, C. O. D. to the home of one, Joseph Smith, in Westmoreland County, a lively, noisy specimen of the Genus. Homo. The heads of this Smith home at once decided to make this specimen a permanent member of their family and promptly named it Robert Francis, which name was soon shortened to "Bob"; and Joseph Smith assumed the position of Father. Bob grew and became an inspiration to his father who served as a member of this House in the Session of 1883 which session was popularly known as the "Million Dollar Session."

This son of this famous legislator has served as Democratic Committeeman of his county for fifty-one years.

This boy "Bob" correctly known as Robert F. Smith has spent the greater portion of his life in the flour, feed and milling business. Being an enthusiastic fisherman, he has cast his line into almost every pond and stream of our country and it naturally follows that he has hooked some giants and can relate some real fish stories that would put the expert to shame.

Mr. "Bob" Smith served as House Postmaster during the Earle Administration and is filling this important position during this Session. His effort to do his work in an efficient and satisfactory manner is manifest to all. He is liked and highly respected by all members and employees of the House, therefore be it

Resolved, That the House of Representatives congratulate Mr. Smith on his successfully passing seventy-two mile stones in his earthly career, and that with this congratulation goes the wish and hope that his life and health may be preserved so that he may witness many more of these happy occasions; and be it further

Resolved, That a duly certified copy of this resolution be transmitted to the esteemed House Postmaster Robert F. Smith.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 404

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 404, entitled:

An Act relating to marriage and amending revising consolidating and changing the law relating thereto

And has appointed Messrs. WALKER, CROWE and STIEFEL a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILL ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 675, entitled:

An Act providing for and regulating the State licensing and registration of nurses of several classes the biennial recording of licenses regulating nursing imposing penalties and repealing certain existing laws

The first to the fourth sections inclusive were separately read and agreed to.

The fifth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 5, page 4, line 9, by striking out the words "provided that" and inserting the words: "Provided That".

Amend sec. 5, page 4, line 11, by striking out the word "less" and inserting the word: "more".

The amendments were agreed to.

The section was agreed to as amended.

The sixth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 6, page 4, line 29, by inserting after the word "sick" the following: "in a hospital, convalescent home or other suitable institution to be determined by the Board".

The amendment was agreed to.

The section was agreed to as amended.

The seventh section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 7, page 6, line 6, by striking out the word "operate" and inserting the word: "practice".

The amendment was agreed to.

The section was agreed to as amended.

The eighth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 8, page 7, line 2, by inserting after the word "work" the following: "and Provided That the Board may remove any school from any approved list by the unanimous vote of the members of the Board after a full and fair hearing before the Board upon the question of said removal. The Board shall give thirty (30) days notice of the time and place of said hearing and a copy of the charges preferred shall be sent to the last known address of the school by registered mail. Any school aggrieved by the action of the Board in removing its name from the approved list or any school aggrieved by the action of the Board in refusing to place any school on the approved list may appeal therefrom within thirty (30) days after the mailing of notice of such action to the Court of Common Pleas of Dauphin County which court shall hear the matter de novo and shall enter such order affirming modifying or reversing the action of the Board as shall appear proper to the court. No such appeal shall act as a supersedeas unless the said court shall so decree. Any statewide organization of nurses shall have the right to intervene and participate in such appeal proceedings upon petition to the said court and upon notice to all parties of record. The action of said court in the appeal shall be final and not subject to further appeal."

The amendment was agreed to.

The section was agreed to as amended.

The ninth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 9, page 7, line 8, by striking out the words "provided that" and inserting in lieu thereof the words: "Provided That".

Amend sec. 9, page 7, line 9, by inserting after the word "may" the word: "also".

The amendments were agreed to.

The section was agreed to as amended.

The tenth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The Clerk read the amendment as follows:

Amend sec. 10, page 7, line 26, by striking out the words "provided that" and inserting in lieu thereof the words: "Provided That".

The amendment was agreed to.

The section was agreed to as amended.

The eleventh section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 11, page 8, line 6, by striking out the words "which shall entitle" and inserting in lieu thereof the word: "entitling".

The amendment was agreed to.

The section was agreed to as amended.

The twelfth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendments.

The Clerk read the amendments as follows:

Amend sec. 12, page 8, line 20, by striking out the words "or provided that" and inserting in lieu thereof the words: "Provided That".

Amend sec. 12, page 9, line 3, by striking out the word "who" and inserting in lieu thereof the word: "which".

Amend sec. 12, page 9, line 8, by inserting after the word "which" the word: "date".

Amend sec. 12, page 9, line 9, by inserting after the word "list" the following: "and Provided That this section shall not apply to any school or schools or other institutions conducted by any presently well-recognized church or denomination for the purpose of training adherents of such church or denomination in the care of the sick in connection with the treatment of the sick by prayer or spiritual means in accordance with the religious tenets of such church or denomination; or".

Amend sec. 12, page 10, line 7, by striking out the words "upon conviction".

Amend sec. 12, page 10, line 10, by striking out the words "additional offenses" and inserting in lieu thereof the following "each additional offense".

The amendments were agreed to.

The section was agreed to as amended.

The thirteenth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend sec. 13, page 10, line 21, by inserting after the figure "13" the following: "(a)".

Amend sec. 13, page 10, line 24, by striking out the letter "(a)".

Amend sec. 13, page 11, line 5, by striking out all of said line and inserting in lieu thereof the following: "others" "(b) The practice of nursing requiring a license as a".

Amend sec. 13, page 11, line 8, by striking out the letter "(a)".

The amendments were agreed to.

The section was agreed to as amended.

The fourteenth section was read:

On the question,

Will the House agree to the section?

Mr. SARRAF. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend sec. 14, page 12, lines 4, 5, 6 and 7, by striking out the words "in connection" in line 4, all of lines 5 and 6, and the words "by adherents thereof" in line 7, and inserting in lieu thereof the following: "as a part of or in connection with the treatment of the sick by prayer or spiritual means in the exercise of the religious tenets of a presently well-recognized church or denomination, so long as such person does not practice or hold himself or herself out to be a licensed nurse or licensed attendant as defined in this act."

The amendment was agreed to.

The section was agreed to as amended.

The fifteenth to the nineteenth sections inclusive and the title were separately read and agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 1780, Senate Bill No. 185, Printer's No. 377, was passed over at the request of Mr. BROWN.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1818, (Senate Bill No. 486), entitled:

An Act relating to sheriff's sales of personal property providing that when personal property is sold at sheriff's sale to the plaintiff in the writ of execution the sheriff shall accept in payment a receipt from such purchaser for the amount to which he is entitled under the writ subject to certain deductions for costs and priority claims

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1820, (Senate Bill No. 1017), entitled:

An Act to amend section one of the act approved the fifteenth day of May one thousand eight hundred and seventy-four (P L 186) entitled "An act declaring what offices are incompatible" by specifically exempting persons serving in the armed forces of the United States

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1786, (Senate Bill No. 209), entitled:

An Act providing for the forfeiture and condemnation of vehicles used to store possess or transport narcotics or drugs the possession or transportation of which is in violation of law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1654, (Senate Bill No. 624), entitled:

An Act to further amend clause seven of section one thousand two hundred ten of the act, approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws general, special or local or any parts thereof that are or may be inconsistent therewith" by increasing the minimum salaries of teachers in school districts of the fourth class and requiring the Commonwealth to make certain payments on account of such salaries

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 960, as follows:

An Act to amend section one and two and to further amend sections three and five of the act approved the sixth day of April one thousand nine hundred and eleven (P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale of having in possession with intent to sell or adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof by further defining sausage making possession of adulterated sausage prima facie evidence of intent to sell further defining and regulating the adulteration of sausage and conferring powers and duties on the Department of Agriculture

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one and two of the act approved the sixth day of April one thousand nine hundred and eleven

(P. L. 51) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated or deleterious sausage defining sausage and prescribing the penalty for the violation thereof" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or persons by himself herself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell sausage that is adulterated within the meaning of this act The possession of any adulterated sausage shall be deemed prima facie evidence of the intent to sell such sausage

Section 2 Defining sausage That for the purpose of the act sausage or sausage meat shall be held to be comminuted meat as defined by the Department of Agriculture from [neat] cattle or swine or a mixture of such meats either fresh salted pickled or smoked with or without added salt and spices provided they do not conceal damage or inferiority and with or without the addition of edible animals fats blood and sugar or subsequent smoking It shall contain no larger amount of water than the meats from which it is prepared contained when in their fresh condition except as hereinafter permitted If it bears a name descriptive of kind composition or origin its contents shall correspond to the kind composition or origin indicated by such name

Section 2 Section three and five of said act as last amended by the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2670) are hereby further amended to read as follows

Section 3 That for the purpose of this act sausage shall be deemed to be adulterated

First If it does not conform to the requirements and definition for sausage in section two hereof

Second If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter excepting such water and ice as may be added for the purpose of facilitating grinding chopping and mixing and which shall in no case exceed [seven] three per centum in sausage which is not cooked or smoked and ten per centum in sausage which is cooked or smoked as determined by the methods prescribed by the Department of Agriculture all tolerances having been allowed for

[Second] Third If it contains any cereal vegetable flour vegetable product milk powder or cracklings

[Third] Fourth If it contains any coal-tar [dye] color or any added natural color vegetable coloring boric acid or borates sulphites sulphur dioxide sulphurous acid or any other chemical preservative or other substances injurious or deleterious to health

[Fourth] Fifth If it contains any diseased contaminated filthy or decomposed substance or is manufactured in whole or in part from a diseased contaminated filthy or decomposed substance or a substance produced stored transported or kept in a way or manner that [would] might render the article diseased contaminated or unwholesome or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter

Section 5 That the Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulation setting up definitions and standards for sausage of particular kind composition or origin within the general definition for sausage in section two hereof and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	C'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliot,	Leisey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foot,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 717, as follows:

An Act relating to criminal procedure providing for the securing of attendance of witnesses from within or without the State in criminal cases and making uniform the law in reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The word "witness" as used in this act shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action prosecution or proceeding

The word "state" shall include any territory of the United States and the District of Columbia

The word "summons" shall include a subpoena order or other notice requiring the appearance of a witness

Section 2 Summoning Witness in this State to Testify in Another State If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this State certifies under the seal of such court that there is a criminal prosecution pending in such court or that a grand jury investigation has commenced or is about to commence that a person being within this State is a material witness in such prosecution or grand jury investigation and his presence will be required for a specified number of days upon presentation of such certificate to any judge of a court of record in the county in which such person is such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing

If at a hearing the judge determines that the witness is material and necessary that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process he shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons In any such hearing the certificate shall be prima facie evidence of all the facts stated therein

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing and the judge at the hearing being satisfied of the desirability of such custody and delivery for which determination the certificate shall be prima facie proof of such desirability may in lieu of issuing subpoena or summons order that said witness be forthwith taken into custody and delivered to an officer of the requesting state Provided however That such judge may admit the witness to bail by bond with sufficient sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to an officer of the requesting state

If the witness who is summoned as above provided after being paid or tendered by some properly authorized person the sum of ten cents (\$.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigation is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 3 Witness from Another State Summoned to Testify in this State If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State is a material witness in a prosecution pending in a court of record in this State or in a grand jury investigation which has commenced or is about to commence a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to assure his attendance in this State This certificate shall be presented to a judge of a court of record in the county in which the witness is found

If the witness is summoned to attend and testify in

this State he shall be tendered the sum of ten cents (\$.10) a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigations is pending and five dollars (\$5) for each day that he is required to travel and attend as a witness A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this State a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court The court may admit the witness to bail by bond with or without surety and in such sum as it deems proper conditioned for his appearance before it at a time specified in such bond If such witness after coming into this State fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State

Section 4 Exemption from Arrest and Service of Process If a person comes into this State in obedience to a summons directing him to attend and testify in this State he shall not while in this State pursuant to such summons be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning therefrom he shall not while so passing through this State be subject to arrest or the service of process civil or criminal in connection with matters which arose before his entrance into this State under the summons

Section 5 Uniformity of Interpretation This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it

Section 6 Short Title This act may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings"

Section 7 Repealer All acts and parts of acts inconsistent with the provisions of this act are hereby repealed and the following acts are hereby expressly repealed

The act approved the fifteenth day of July one thousand nine hundred thirty-five (P. L. 1017) entitled "An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto"

The act approved the twenty-fifth day of June one thousand nine hundred thirty-seven (P. L. 2088) entitled "An act to amend sections one two four five and seven of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by further regulating the attendance of such witnesses and limiting the powers with respect thereto to judges learned in the law"

The act approved the fifteenth day of June one thousand nine hundred thirty-nine (P. L. 401) entitled "An act to further amend sections one and four of the act approved the fifteenth day of July one thousand nine hundred and thirty-five (P. L. 1017) entitled 'An act relating to criminal procedure providing for the securing of attendance of witnesses from without the State in criminal cases and making uniform the law in reference thereto' by extending the provisions thereof to include grand jury investigations"

Section 8 Constitutionality If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 9 Effective Date This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	H.berlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McMurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Lersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
D'Genova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kilne,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Leisey,	Reagan,	Wood, L. H.,
Fly,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
For,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 525, as follows:

An Act amending revising consolidating and changing the law relating to the borrowing of money by certain political subdivisions the authorization issuance and sale of general obligation bonds as herein defined of bonds imposing no general obligation of debt and of bonds not deemed to constitute a debt for certain purposes and to the funding of debt and the refunding of bonds regulating the keeping and use of sinking funds imposing powers and duties upon the Department of Internal Affairs and upon corporate bodies and officers of political subdivisions imposing penalties and repealing existing laws

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Article I

Preliminary Provisions

Section 101 SHORT TITLE This act shall be known and may be cited as the "Municipal Borrowing Law"

Section 102 Definitions The following words and phrases whenever used in this act shall have the following meanings unless the context clearly indicates otherwise

(a) "Municipality" a county city borough incorporated town township school district and a county institution district The word does not include a city of the first class a county of the first class or a city institution district

(b) "Corporate authorities" the body in each municipality authorized by law to levy taxes or fix the tax rate of the municipality

(c) "Bond" any instrument imposing an obligation for the repayment of money borrowed except notes and all renewals and extensions thereof issued in anticipation of current revenues

(d) "General obligation" any obligation for the payment of which a municipality may be required to levy a tax

(e) "Current revenues" taxes for the current year delinquent taxes licenses fines and other revenues and receipts which in the judgment of the corporate authorities are collectable within the current fiscal year

(f) "Debt" all general obligations of the municipality to pay money either in the present or future except obligations payable from current revenues lease agreements not directly or indirectly involving the acquisition of capital assets and contracts for service A debt evidenced by general obligation bond shall be deemed to have been incurred by a municipality at the time when the ordinance authorizing such bonds shall become effective

(g) "Ordinance" an "ordinance" in the case of municipalities having the power to adopt ordinances and a "resolution" in the case of all other municipalities Notwithstanding any law to the contrary where an "ordinance" is required or authorized to be adopted by the provisions of this act the same shall become effective in the case of cities and boroughs when the same has been passed finally by the council and has been approved by the mayor or burgess or has been passed over his veto and in the case of all other municipalities such an "ordinance" shall become effective when the same has been adopted or passed finally by the body having power to adopt ordinances or resolutions on behalf of the municipality Where an ordinance is authorized or required to be adopted by the provisions of this act the ordinance or proposed ordinance or summary thereof shall be published in a newspaper or newspapers of general circulation not exceeding two published in the municipality and if no such newspaper shall be published therein then such notice shall be given in a newspaper of general circulation circulating generally in said municipality Such ordinance or proposed ordinance or a summary shall be published once before or after the ordinance becomes effective as above provided No other publication or notice of any such ordinance shall be required under the provisions of any other law

(h) "Assessed valuation" the assessed valuation of all property taxable by the municipality as last determined by the Board of Revision

(i) "Department" the Department of Internal Affairs of the Commonwealth of Pennsylvania

Section 103 Exclusive Method of Borrowing Money on Bonds Hereafter a municipality may borrow money on bonds only as provided in this act and not otherwise

Section 104 Purpose of Act It is the intent of this act to regulate the manner of borrowing money by the issue of bonds by municipalities and to impose limits and conditions on such borrowing in certain cases Nothing in this act shall be construed to confer on any municipality any power or authority to borrow money for any purpose for which such municipality is not otherwise authorized by law to borrow money nor shall anything in this act be construed to deprive any municipality of any power or authority to borrow money for any purpose for which

such municipality is or may hereafter be authorized to borrow money This act shall be deemed to provide an exclusive and uniform system on the subjects covered by this act

Article II

General Obligation Bonds

Section 201 Limitation on Municipal Debt Whenever the net debt of any municipality shall be equal to ten per centum in the case of municipalities authorized by the provisions of section fifteen article nine of the Constitution to incur debt to said amount and seven per centum in the case of all other municipalities (except school districts of the first class which shall be limited to two per centum) of the assessed valuation it shall be unlawful to increase the same by borrowing money (except in the case of issuing evidences of debt in anticipation of current revenues) and any such increase shall be void and any general obligation bonds issued to evidence such increase of debt shall be of no binding force upon such municipality Each of the officers thereof wilfully authorizing such increase or executing any general obligation bond therefor shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding ten thousand dollars or undergo imprisonment not exceeding one year or both

Section 202 Determination of Existing Net Debt The net debt of a municipality shall be the net debt determined as follows

From the gross liabilities of the municipality which shall be the total amount of the following items (1) the principal of all bonds authorized or outstanding for whatever purpose issued (2) the amount of any overdue interest and state tax assumed on account of any general obligation bonds and (3) all other debts of the municipality there may be deducted the following items

(a) The amount of any cash and bonds of the municipality held in any sinking fund for the payment of the principal of any outstanding bond

(b) The par value of all legal investments other than bonds of the municipality held in any sinking fund unless such par value shall be in excess of the actual value in which case the actual value shall be used It is the legislative intent of this clause that since legal investments in any sinking fund may be converted into cash and such cash used as a deduction that such investments having been legally authorized should be deductible in like manner as cash and bonds of the municipality held in any sinking fund

(c) The amount of undisputed municipal liens other than tax liens actually filed against property (other than such as are pledged for the redemption of assessment bonds deductible under clause (f)) in such proportion as such liens are certain to be collected

(d) The amount of the preliminary estimates of benefits costs and expenses which may be assessed against the owners of property and for which liens may be legally filed in any case where a public improvement has been or is about to be made by any municipality and general obligation bonds have been or are to be issued for the payment of the same in whole or in part Such estimates of assessable benefits costs and expenses shall be signed and verified by the engineer or other proper officer of the municipality in case the municipality has no engineer and shall state that they are in his opinion fair amounts of benefits costs and expenses which may be lawfully assessed in such proceedings

(e) The amount of surplus cash not specifically appropriated to any purpose other than the payment of any item of debt

(f) The amount of assessment bonds outstanding heretofore issued for the construction of any project where the cost of such project has been assessed on property specially benefited which bonds purport to impose no municipality liability to the extent that such bonds are supported by cash in the sinking fund held for such assessment bonds and by undisputed valid liens against the property benefited in such proportion as such liens are certain to be collected but this clause shall not apply to as-

essment bonds where the courts have held the same to be general obligations of the municipality

(g) The amount of all delinquent taxes on real estate in such proportion as such taxes are certain to be collected except such amount thereof as may have been appropriated as current revenues in the current year's budget

(h) The amount of current revenues which are applicable within the current fiscal year to the payment of the principal of any debt

(i) The amount of any utility bonds issued for the construction or acquisition of waterworks subways underground railways or the appurtenances thereof where it shall be determined in the manner provided in article six of this act that the net revenue derived from said property for a period of five years either before or after acquisition thereof or where constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges upon said obligations or if the said obligations shall be secured solely by liens upon the respective properties and shall impose no municipal liability but the amount of such utility bonds so deductible shall be the total amount of such bonds outstanding less the amount of cash and investments held in any sinking fund applicable to the payment of such utility bonds as are general obligations

(j) The amount of any bonds legally issued under this act or any other act of Assembly which impose no municipal liability other than such bonds as may have been defined as deductible under the provisions of other clauses of this section

(k) All other solvent debts due the municipality directly payment of which it can enforce as one of its quick assets for the liquidation of any of its debt

Section 203 Increase of Debt by Issuance of General Obligation Bonds by Corporate Authorities and With the Assent of Electors (a) Any municipality may incur debt or increase its debt by the issue of general obligation bonds by vote of the corporate authorities thereof without the assent of the electors to an amount in the aggregate not exceeding two per centum of the assessed valuation

(b) The debt of any municipality except a school district of the first class may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of a majority of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding seven per centum of the assessed valuation

(c) The debt of any municipality authorized by the provisions of section fifteen article nine of the Constitution to incur debt not exceeding ten per centum may be authorized to be increased by the corporate authorities thereof by the issue of general obligation bonds with the assent of three-fifths of the electors thereof voting on the question submitted at a public election to be held in the municipality to an amount not exceeding ten per centum of the assessed valuation

Section 204 Determination of Amount of Debt Authorized and Issued by Corporate Authorities Without Assent of Electors The amount of the debt authorized or issued and outstanding by the corporate authorities of a municipality without the assent of the electors shall be determined by deducting from the net debt ascertained as provided in this article the amount of the debt authorized or issued and outstanding with the assent of the electors

In determining the amount of debt authorized or issued and outstanding with the assent of the electors for the purposes of this section there shall be deducted from the aggregate of such debt cash and investments in the sinking fund pledged for the payment of such debt and any other deductions under the provisions of section 202 of this article specifically applicable to the payment thereof

Section 205 Desire Ordinance Elections to Authorize an Increase or Indebtedness (a) Whenever the corporate authorities of any municipality by their ordinance shall have signified a desire to make an increase of debt where the assent of the electors is required and shall have called an election for the purpose of obtaining such assent they shall give notice of an election to be held at the places of holding elections in said municipality on a day to be by them fixed for the purpose of obtaining the assent of the electors there-

of to such increase of debt Such notice shall be given in a newspaper or newspapers of general circulation not exceeding two published in said municipality and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements and if no such newspaper is published therein the notice shall be given in at least one newspaper of general circulation circulating generally in the municipality Such election notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers of general circulation and legal journals shall be published only twice once a week for two successive weeks The first publication of such notice shall be not less than fourteen nor more than twenty-one days before the day of the election Such notice may be published at any time after the ordinance shall have become effective

(b) The election notice shall contain and state

(1) The date upon which the election is to be held

(2) The amount of the assessed valuation of the municipality

(3) The sum of the gross liabilities the sum of the allowable deductions which are claimed and the amount of the net debt of the municipality

(4) The amount of the proposed increase of debt and

(5) The purpose or purposes for which the debt is to be increased

(c) The corporate authorities of the municipality shall in all cases fix the time of holding such election on the day of a municipal general or primary election unless more than ninety days or less than thirty days elapse between the effective date of the desired ordinance and the day of holding the said municipal general or primary election

If any day other than the day of any municipal general or primary election is fixed for such election the expense of holding the same shall be paid by the municipality for the benefit of which it is held

(d) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at least twenty-five days before said election is to be held cause to be certified to the county board of elections a copy of the ordinance expressing the desire to increase the debt of the municipality and calling for an election for such purpose and the form of the question to be submitted to the electors

(e) Whenever an election is held to increase the debt of a municipality for any particular purpose or purposes and the increase is defeated another election for the same purpose or purposes may not be held until fifty-one weeks have elapsed since the prior election

(f) Elections to authorize the increase of debt shall be held at the place time and under the same regulations as provided by law for the holding of municipal elections In receiving and counting and in making returns of the votes cast the inspectors judges and clerks of said election shall be governed by the Pennsylvania Election Code and all the penalties provided in said Code for the violation thereof shall apply to the voters inspectors judges and clerks voting at and in attendance upon the elections held under the provisions of this act

(g) The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on such question to the county board of elections which shall compute the same and transmit a certified return thereof to the council in the case of cities and boroughs and to the corporate authorities in the case of other municipalities which body shall enter the same upon the minutes of the municipality If it appears that a majority or three-fifths of the electors as the case may require voting on such question have voted in favor of the increase of debt the county board of elections shall also file a certified copy of such return together with the copy of the ordinance certified to the county board of elections by the municipality with the clerk of the court of quarter sessions and the said clerk shall make a record of the same There shall also be filed with said clerk a copy of the notice of election and proof of the advertisement thereof

(h) Whenever the Board of School Directors of any independent school district by vote shall have signified a de-

sire to make an increase of debt and there is no polling place within said independent school district where elections are held the election necessary to be held for the purpose of securing the assent of the electors of such independent school district to such increase of debt shall be held at the regular polling place within the municipality of which the said independent school district is a part most convenient to the voters thereof to be selected by the board of school directors of the independent school district notice of which place shall be set forth in the advertisements and notices required by this section At said election the ballots shall be furnished to and voted by only such voters as are residents of the said independent school district Whenever the board of school directors of any school district which is not coextensive with a municipality shall have signified by vote a desire to make such increase of debt the county board of elections of the county or counties within which such district is situated shall furnish the election officials with a list of the qualified voters in such districts and only the qualified voters of the school district shall be permitted to vote at each election

Section 206 Ordinance to Increase Debt by Borrowing Money Interest Rate (a) The corporate authorities of a municipality where they are authorized to increase the debt may by their ordinance the vote thereon to be duly recorded upon the minutes of such municipality authorize and direct the issuance of general obligation bonds of the municipality in sums not less than one hundred dollars each bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by such municipality payable at such times as may be stated therein and the principal to be payable at a period or periods not exceeding thirty years from the date of said bonds

(b) An ordinance to authorize the issuance of general obligation bonds shall not take effect unless it has received the affirmative vote of a majority of all the members constituting the body adopting the ordinance

(c) An ordinance authorizing the issuance of general obligation bonds shall make the tax levy required by this act and shall state in substance

(1) The purpose or purposes for which the general obligation bonds are to be issued

(2) The maximum amount of general obligation bonds to be issued

(3) The rate or rates of interest or the maximum rate or rates of interest the general obligation bonds shall bear and in the latter case the actual rate of interest shall thereafter be fixed by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities

(4) The date of maturity of each bond and if said bonds are to be callable prior to maturity the date the terms and conditions of such call feature

(5) The estimated period of usefulness of the property or improvement for which the general obligation bonds are to be issued except in the case of general obligation bonds issued for funding or refunding purposes as may be authorized under Article five of this act

(6) The nature and source of revenues if any other than taxes or the proceeds of assessments against property specially benefited specially pledged to the payment of principal and interest on such general obligation bonds

(7) That the bonds are general obligations of the municipality and shall pledge the full faith and credit thereof

(8) That the existing net debt and the debt to be incurred do not in the aggregate exceed the limitations of the Constitution and of this act

(9) The officer or officers who shall prepare verify and file the statement required by section 209 of this act

Section 207 Tax Levy An annual tax commencing the first fiscal year after such debt shall have been incurred or increased sufficient for the payment of the interest thereon together with any taxes covenanted to be paid thereon and the principal of such debt within the period for which such general obligation bonds may be issued shall be forthwith assessed by the corporate authorities in the ordinance authorizing the issue of such bonds The moneys arising from such tax except such moneys as shall be required to

repay to the general fund any sums advanced for the service of the debt prior to the collection of the first annual tax required by this section and except as otherwise provided in section four hundred and two shall be placed in a sinking fund which shall be kept apart from all other moneys of the municipality and shall be applied only to the payment of interest and taxes on and the principal of such general obligation bonds or be invested in the manner provided by article four of this act

The annual tax shall be expressed as an amount of money to be raised by taxation in each succeeding year for principal interest and taxes on such bonds to the end that in each succeeding year the rate of taxation on each dollar of valuation may be adjusted so as to produce the amount specified in such tax levy. The corporate authorities shall include such tax levy within its annual tax levy.

Section 208 Maturity of Bonds All general obligation bonds of a municipality issued for property or improvements shall mature within a period not to exceed the estimated usefulness of such property or improvement for which such bonds are issued. The estimated period of usefulness shall be stated in the ordinance authorizing the issue of such bonds and when so stated shall be conclusive. But such determination shall never extend the period of maturity beyond thirty years.

Section 209 Statement to be Prepared and Filed with Clerk of the Court of Quarter Sessions Before delivering any general obligation bonds it shall be the duty of the officer or officers authorized by the ordinance issuing such bonds to prepare a statement showing (a) the amount of the existing gross liability or the gross liability the various allowable deductions which are claimed and net debt of such municipality ascertained as provided in this article (b) the amount of the assessed valuation (c) the amount of bonds to be issued and (d) the form number and date of maturity of the bonds and the officer or officers preparing the same shall make and append thereto his or their oath of the truth of the facts therein stated and shall file the same in the office of the clerk of the court of quarter sessions of the county.

Certified copies of the record of such statement under the seal of said court shall be competent evidence in all of the courts of this Commonwealth.

Section 210 Serial Bonds Required Except as otherwise provided in this section all general obligation bonds issued under the authority of this article shall mature in annual installments. The first installment of principal shall mature not later than two years after the date of the bonds. Installments of principal shall mature annually thereafter. The sum of the principal interest and State tax payable in any year after the first installment of principal falls due shall not exceed the sum of the principal interest and State tax payable in any prior year on account of such issue by more than the sum of One Thousand Dollars (\$1,000).

General obligation bonds may mature in other than annual installments in the event that

(a) The last installment of principal shall mature more than twenty-five years and not more than thirty years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Twenty Thousand Dollars (\$120,000). Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty (40) per centum by the end of the fifteenth year sixty (60) per centum by the end of the twentieth year and eighty (80) per centum by the end of the twenty-fifth year.

(b) The last installment of principal shall mature more than twenty years and not more than twenty-five years from the date of the bonds and the aggregate principal amount of the bonds is less than One Hundred Thousand Dollars (\$100,000). Provided that not less than ten (10) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds twenty-five (25) per centum by the end of the tenth year forty-five (45) per centum by the end of the fifteenth year and seventy (70) per centum by the end of the twentieth year.

(c) The last installment of principal shall mature more

than fifteen years and not more than twenty years from the date of the bonds and the aggregate principal amount of the bonds is less than Eighty Thousand Dollars (\$80,000). Provided that not less than fifteen (15) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds forty (40) per centum by the end of the tenth year and seventy (70) per centum by the end of the fifteenth year.

(d) The last installment of principal shall mature more than ten years and not more than fifteen years from the date of the bonds and the aggregate principal amount of the bonds is less than Sixty Thousand Dollars (\$60,000). Provided that not less than twenty-five (25) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds and sixty (60) per centum by the end of the tenth year.

(e) The last installment of principal shall mature more than five years and not more than ten years from the date of the bonds and the aggregate principal amount of the bonds is less than Forty Thousand Dollars (\$40,000). Provided that not less than forty (40) per centum of the principal amount of the bonds shall mature by the end of the fifth year after the date of the bonds.

(f) The last installment of principal shall mature not more than five years from the date of the bonds and the aggregate principal amount of the bonds is less than Twenty Thousand Dollars (\$20,000).

The purpose of this section is to require serial bonds and to encourage annual maturities without impairing the marketability of the bonds and nothing herein contained shall limit the power of municipalities to authorize bonds maturing at periods earlier than are required hereby.

Section 211 Redemption of General Obligation Bonds Prior to Maturity Any general obligation bonds issued pursuant to this article may be made callable in whole or in part at par or at par and a premium or premiums upon such interest date or dates as may be specified in the ordinance. When general obligation bonds have been made callable they shall state on their face the date on which or subsequent to which such call may be made and the method of giving notice thereof and the terms upon which such bonds may be called. Such notice shall specify if less than all the bonds are to be called for redemption the numbers of the bonds to be called and the place where such bonds shall be presented by the holders thereof for redemption. Interest shall cease to run on all bonds specified in said notice after the date fixed in said notice as the callable date.

Whenever the municipality shall call for redemption less than the whole amount of any issue of general obligation bonds remaining outstanding the bonds to be called shall be those last maturing of such issue.

The municipality may from any funds not otherwise pledged at any time redeem and cancel any general obligation bonds tendered for redemption at not more than par and accrued interest.

Section 212 Regulations for Sale of General Obligation Bonds (a) When any municipality shall desire to borrow money and issue general obligation bonds therefor the municipality shall sell such bonds to the highest responsible bidder or bidders after public notice by advertisement in at least one and not more than two newspapers of general circulation published in the county in which such municipality shall be situated and in the legal journal if any designated by the rules of court for the publication of legal notices and advertisements. Such notice shall be published three times at intervals of not less than three days where daily newspapers of general circulation are available for such publication and in the case of weekly newspapers and legal journals shall be published only twice once a week for two successive weeks. The first advertisement shall be published not less than fifteen days before the day fixed for the opening of bids.

(b) General obligation bonds may be advertised for sale in accordance with this section and may be conditionally sold before or after the ordinance authorizing the issue of such bonds has been adopted by the corporate authorities thereof but if advertised for sale prior to the adoption of such ordinance such advertisement shall first be au-

thorized by a proper resolution of the council or corporate authorities as the case may be

(c) The notice shall contain (1) a general description of the general obligation bonds to be sold (2) the manner place and time of the sale or the time limit for the receipt of proposals (3) the name of the officer to whom bids or proposals shall be delivered (4) a statement that bidders must accompany their bids or proposals with a certified check cashiers check or treasurer's check drawn to the order of the municipality or its treasurer or a sum of money equal to not less than two per centum of the face amount of the general obligation bonds offered for sale to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid or proposal and (5) a statement that the general obligation bonds will be sold and delivered to the purchaser only if and after the proceedings authorizing the issuance of such bonds have been approved by the department as required by article three of this act where such approval is required

(d) Every bid or proposal shall be in writing and shall be placed in a sealed envelope sufficiently labelled to indicate that it is a bid or proposal for general obligation bonds by the bidder before being delivered to the officer designated to receive the same

(e) At the time and place fixed in the notice the bids or proposals shall be publicly opened in the presence of such officer or officers of the municipality as may have been designated for such purposes

(f) The highest responsible bidder shall be the one who having complied with the conditions of sale offers to take the whole amount of general obligation bonds offered for sale at the least interest cost to the municipality which shall be determined by deducting from the total amount of interest to be paid on account of such bonds during the life thereof the amount of the premium offered if any over and above the face amount of the bonds offered for sale. In the case of callable bonds the life of the bonds shall be figured to the respective maturity dates rather than to the call date or dates. In the event that two or more bidders offer to take an identical return the one proposing the lowest rate of interest shall be deemed the highest responsible bidder and if two or more bidders having offered to take an identical return also propose the same rate of interest the bonds may be awarded and sold to either or with the consent of the bidders to them jointly

(g) The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall have the right to reject all bids or proposals and advertise the sale anew by the publication of a notice in manner and form as provided in this section

(h) No bids for general obligation bonds at less than par value and accrued interest shall be accepted

(i) The deposit required of each bidder shall be returned to each unsuccessful bidder immediately upon the award of the general obligation bonds or the rejection of all bids. In the case of the successful bidder the deposit shall be held by the treasurer and be applied on the purchase price when the bonds are actually delivered and paid for

(j) No municipality and no officer thereof shall enter into any agreement in connection with the issuance or sale of bonds purporting to bind the municipality to deposit or leave on deposit in any bank bank and trust company or trust company any sum of money and all such agreements shall be null and void and of no effect

(k) Where general obligation bonds shall be advertised for sale and no legal bid has been received then it shall be lawful for such municipality to sell the same or any part thereof at private sale for less than par and accrued interest at any time within six months from the date of sale in accordance with the terms originally advertised and at a rate of interest not exceeding the maximum rate originally advertised

Section 213 Application of Bond Proceeds The proceeds of the sale of general obligation bonds shall be used for the purpose or purposes specified in the ordinance authorizing said bonds except where a change of purpose has been authorized under the provisions of section 216 of this article. If for any reason any part of the proceeds is not

applied to or is not necessary for such purpose or purposes such unexpended part of the proceeds shall be paid into the sinking fund for such issue of bonds unless otherwise applied under the provisions of section 216 of this article

The cost of preparing issuing and marketing general obligation bonds shall be deemed to be one of the purposes for which the bonds are issued

Each municipality shall keep such accounts as will readily show the proceeds of each issue of bonds hereafter marketed and the application of the proceeds thereof

Section 214 Assessment Bonds to be General Obligations All bonds hereafter issued by any municipality for the payment of the principal and interest of which assessments of benefits against property are pledged shall be general obligation bonds and shall pledge the full faith and credit of the municipality. Such general obligation bonds shall be supported by a tax levy as required by this article but the amount of assessments received and deposited in the sinking fund may be applied against the amount of the annual tax levied for any succeeding year or years

No assessment bonds shall hereafter be issued which rest alone on special assessments of benefits and purport to impose no municipal liability

Section 215 Annual Statement of Indebtedness The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall at the end of each fiscal year cause to be prepared and published in at least one and not more than two newspapers of said municipality or of the county if so many are printed therein a statement showing in detail (a) the gross liability and net debt of the municipality ascertained as provided in this act (b) the amount of the assessed valuation (c) the assets of the municipality with the character and value thereof (d) the date of last maturity of the respective forms of funded debt thereof (e) the assets in each sinking fund and a neglect or failure so to do shall be a misdemeanor punishable by fine not exceeding one thousand dollars

Section 216 Moneys Borrowed or Authorized to be Borrowed for Impracticable Etc Purposes (a) Whenever any municipality has heretofore increased or authorized the increase of its debt with or without the assent of the electors of such municipality or shall hereafter so increase or authorize the increase of its debt and the purpose or purposes of such increase or authorized increase have proved or shall prove to be impracticable impossible or inadvisable the corporate authorities of the municipality may by their ordinance where such debt was increased without electoral assent or after electoral assent has been secured as hereinafter provided so declare and may provide for the use of the money so borrowed or authorized to be borrowed or any part thereof for any other purpose for which such debt could have originally been lawfully incurred

(b) The corporate authorities of any municipality may by their ordinance without the assent of the electors rescind or cancel in whole or in part the authority to borrow money the borrowing of which shall prove to be impracticable impossible or inadvisable

(c) Whenever the original increase of debt shall have been made or authorized with the assent of the electors of such municipality and the corporate authorities may desire to use the money so borrowed or authorized to be borrowed or any part thereof for any other lawful municipal purpose they shall by ordinance express their desire so to do and shall provide for an election to be held in like manner as in this article provided for elections to secure the assent of the electors to the increase of debt except that the notice of the election shall state (1) the date on which such election is to be held (2) the amount of money theretofore borrowed or authorized to be borrowed for the purpose in question (3) the purpose for which such debt was originally authorized (4) the new purpose for which the municipality desires to make use of said money and (5) the reason why said money may not be used for the purpose or purposes for which it was borrowed or authorized to be borrowed or why it may be advisable not to use it for such purpose. A copy of the ordinance required by this section shall be filed with the county board of elections at least twenty-five days before the election

(d) The question to be submitted to the electors shall be substantially in the following form

"Shall the sum of _____ dollars heretofore borrowed or authorized to be borrowed by the (municipality) for the purpose of _____ be used by _____ for the purpose of _____?"

(e) The election shall be conducted and return thereof made by the election officers and by the county board of elections in the same manner as in this act provided for the increase of indebtedness. The county board of elections shall with its certified return to the clerk of the court of quarter sessions transmit the ordinance of the municipality filed with it and the clerk shall make a record of the same. The municipality shall also file with the clerk of the court of quarter sessions a copy of the election notice together with proof of publication thereof.

(f) If at such election a majority or three-fifths of the electors voting thereon as was required for the original electoral assent shall vote in favor of using said money so borrowed or authorized to be borrowed or any part thereof for the new purpose as stated in the said notice the said money may be used for such new purpose as if it had originally been authorized or borrowed therefor.

(g) Whenever it shall have been determined to refrain from borrowing such money by action of the corporate authorities alone the original authority to borrow the same shall thereupon be deemed to have been rescinded and of no effect. No such cancellation shall be effective until the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities shall first have filed a certificate of such cancellation with the clerk of the court of quarter sessions of the county and with the Department of Internal Affairs in cases where the original proceedings were approved by that department which officers shall record or file the same with the proceedings had relating to the increase of indebtedness.

Section 217 Acceptance Of Article By Municipalities Specially Incorporated. Any municipality incorporated or acting under any local or special act of Assembly may surrender the provisions of its local or special act or acts in so far as the same limit define abridge control or prescribe the borrowing capacity of said municipality and also surrender the provisions of said local or special act or acts so far as the same prescribe or limit the method and procedure of creating debt or issuing general obligation bonds and may accept the provisions of this act by presenting a petition to the court of quarter sessions of the county within which the said municipality may be located setting forth the desire of such municipality to accept the provisions of said article.

Such petition shall be made by the council in the case of cities and boroughs and by the corporate authorities in the case of other municipalities. Upon presentation of the petition the court shall fix a day for hearing of which such notice shall be given as may be directed by the court. At such hearing any inhabitant or taxpayer of the municipality may remonstrate against the granting of the petition and the court may grant or refuse the petition as to it appears proper. If the court grants the petition the decree shall be recorded in the office for the recording of deeds of the county and thereafter the municipality shall be subject to all the provisions of this act and the local and special act of Assembly shall be annulled so far as they are inconsistent with this article and in all and every respect in so far as they may have restricted limited defined abridged controlled or prescribed the borrowing capacity of said municipality and in so far as they may have prescribed the method and procedure of creating debt or issuing bonds.

Article III

Approval Of Department Of Internal Affairs Of Proceedings To Incur General Obligation Debt

Section 301 Certification Of Proceedings For The Issuance Of General Obligation Bonds Fee. The council in the case of cities and boroughs and the corporate authorities in the case of other municipalities (except a school district of the first class or a city of the second class or second class A) which shall have proceedings for the authorization in issue and sale of general obligation bonds shall before any such bonds are actually delivered to the purchaser cause

to be certified under the signature of their clerk or secretary to the department a complete and accurate copy of the proceedings had for such incurring or increasing of debt together with certified copy of the financial statement required to be filed in the office of the clerk of the court of quarter sessions.

When such proceedings are certified to the department the municipality shall pay to the department a fee of ten dollars plus an additional fee of one-half of one mill on each dollar of the aggregate par value of the bonds to be issued and sold by the municipality. All fees received hereunder shall be paid by the department into the State Treasury through the Department of Revenue.

Section 302 Examination Of Proceedings By Department. It shall be the duty of the department upon the receipt of any such proceedings and facts to carefully examine the same to ascertain whether the proposed debt is within the limitations imposed by the Constitution and whether such proceedings are in conformity with existing laws. If such proceedings are found to be in accordance with the Constitution and law the department shall within twenty days after the receipt thereof approve the same and certify its approval to the municipality.

Section 303 Certificate Of Disapproval Correction Of Proceedings. If upon examination the department shall find that such proposed debt is not within the limitations imposed by the Constitution or that the proceedings are not in accordance with law it shall disapprove the same and shall within twenty days after the receipt thereof certify its disapproval to the municipality. Thereafter it shall be unlawful for such municipality to issue any general obligation bonds upon such proceedings unless the proceedings are subject to correction which correction has been approved by the department.

Section 304 Records of Department. The department shall keep a record of all approvals and disapprovals made and the same shall be a public record and copies thereof certified under the hand and seal of the Secretary of Internal Affairs shall be admitted in evidence in all courts and elsewhere.

Section 305 Sale of Bonds Controlled. It shall be unlawful for the corporate authorities of any municipality (except a school district of the first class or a city of the second class or second class A) to deliver to the purchaser any general obligation bonds unless the foregoing provisions of this article have been complied with. All general obligation bonds delivered contrary to the provisions of this article shall be invalid and shall impose no liability on the municipality.

Section 306 Appeals by Interested Parties And Taxpayers. Where proceedings for the incurring or increasing of debt had by any municipality have been approved by the department any party interested or any taxpayer of the municipality may within thirty days after such approval and not thereafter appeal therefrom by petition to the Court of Common Pleas of Dauphin County which petition shall specifically allege the error or errors complained of in the proceedings in the manner required of bills in equity.

Jurisdiction is hereby conferred upon the court of Common Pleas of Dauphin County to hear and determine such appeals.

Section 307 Notice of Appeal Record to be Transmitted. Service of Notice. Notice of any such appeals shall be given by the petitioner to the municipality instituting such debt proceedings and to the department. The department shall immediately upon the receipt of such notice transmit its entire record of such proceedings to the prothonotary of the court to which the appeal is taken and such record shall become the record in the court proceedings and may be offered in evidence. The notice to the department may be sent by registered mail addressed to the department at Harrisburg, Pennsylvania. Proof of the service of such notice shall be filed with the prothonotary of Dauphin County.

Section 308 Filing Answer. The municipality the department any person interested and any taxpayer may file an answer to such petition within twenty days after service of notice of the appeal on the municipality or the department.

Section 309 Hearings Pleadings. After the expiration of

the time for filing answer the court shall fix a day for hearing of which such notice to all parties to the proceedings shall be given as the court may direct. At the hearing the court may hear evidence but the proceedings shall be limited to the questions raised by the petition and answer and no demurrer or other pleading shall be required to bring the matter to issue.

Section 310 Order Further Proceedings by Municipality Subject to Approval of Department. After hearing the court shall have power to affirm or to order stricken from the proceedings in possession of the municipality the approval of the department or if in the opinion of the court the proceedings had by the municipality are subject to correction or amendment it may refer the matter back to the municipality.

Any further proceedings by the municipality pursuant to an order of the court shall be subject to approval by the Department of Internal Affairs.

Section 311 Appeal to Supreme or Superior Court. From the final decision of the Court of Common Pleas of Dauphin County an appeal may be taken within thirty days and not thereafter to the Superior or Supreme Court as in other cases.

Section 312 Finality of Proceedings. Validity of Evidences of Indebtedness. When any proceeding for the incurring or increasing of debt has been approved by the department and no appeal has been taken or when the approval of the department after appeal has been affirmed finally by the court the validity of such proceedings and the right of the municipality to issue general obligation bonds lawfully pursuant to such proceedings shall not thereafter be inquired into judicially in equity or by civil or criminal proceedings or otherwise either directly or collaterally except where a constitutional question is involved.

Any general obligation bonds issued by such municipality pursuant to such proceedings and lawfully sold or disposed of shall be valid obligations of the municipality and the effect of such approval shall be to ratify validate and confirm such proceedings absolutely except as to constitutional questions notwithstanding any defect or error whatever in such proceedings.

Section 313 Appeals by Municipalities. Any municipality may in like manner with like proceedings and with like rights as hereinbefore provided appeal from the action of the department in refusing to approve any proceedings by a municipality to incur or increase its debt and the court may after hearing affirm the action of the department or direct it to approve such proceedings as to it may appear proper. From the decision of the Court of Common Pleas an appeal may be taken to the Superior or Supreme Court within thirty days after such decision and not thereafter.

Article IV Sinking Fund

Section 401 Creation of Sinking Funds. Every municipality having any outstanding general obligation bonds and any municipality hereafter issuing any such bonds shall maintain its existing sinking funds or if no such funds are being maintained shall forthwith establish and thereafter maintain so long as any bonds remain outstanding and unpaid a separate sinking fund for each issue of bonds.

Section 402 Payment of Moneys into Sinking Fund. It shall be the duty of the treasurer of each municipality to deposit into each sinking fund during each fiscal year not less than the portion of taxes collected and moneys received during such year for such sinking fund and to credit to each sinking fund the earnings and other income appertaining thereto. But nothing in this section or this act shall be deemed to limit the power of the corporate authorities (a) to appropriate moneys from the general fund for the payment of principal interest or taxes on any bonds through a sinking fund or otherwise or (b) to direct the treasurer or other fiscal officers to pay into a sinking fund the amount required for interest principal taxes or any of them out of any moneys in their hands not irrevocably pledged to any other purpose. When the full requirement for debt service on account of any issue of bonds for

any year and all prior years has been paid into the sinking fund or otherwise discharged the annual tax of such year levied for and in conjunction with the issue of bonds shall no longer be dedicated to the payment of interest principal and taxes on account of such bonds and need not be deposited in the sinking fund for said bonds anything in this act to the contrary notwithstanding.

Section 403 Use of Money in Sinking Fund Investment. The money or other assets in the sinking fund shall be applied to the payment of any taxes covenanted to be paid on the general obligation bonds for the payment of which such fund was created to the payment of interest on such bonds and to the payment of the principal of such bonds at their maturity. Any moneys in the sinking fund not needed for the time being for any of the above purposes may be invested in obligations issued by the United States of America and general obligation bonds of the Commonwealth of Pennsylvania or any political subdivision thereof. The moneys and other assets held in the sinking fund shall not be used for any other purpose except for such other investment purposes as may be specifically authorized by law.

Any investments held in the sinking fund may be sold at any time by the body board or commission having the management and control of such sinking fund.

Nothing contained in this section shall be construed to require the sale of any obligation bonds or notes legally held in a sinking fund at the time this act takes effect.

Section 404 Management of Sinking Fund. The management and control of the sinking fund of each municipality shall be vested in the council in the case of cities and boroughs and in the corporate authorities in the case of other municipalities except where by any other law there has been created any board or commission for the management and control of the sinking fund in which case such board or commission shall have the management and control of the sinking fund.

Section 405 Inspection of Municipal Sinking Funds. Orders to Comply. (a) The department shall from time to time inspect and investigate the sinking funds of the municipalities as herein defined (except of school districts of the first class or of cities of the second class and second class A) which have any outstanding debt and all records books and papers relating thereto. It may require the treasurer or any other officer of any municipality to furnish copies of annual financial and other statements showing the condition of such sinking funds and the amount of outstanding debt together with the rate of interest and dates of maturity.

(b) Such inspection and investigation and such statements shall be for the purpose of determining whether such sinking funds are being kept in accordance with this act and whether in the opinion of the department they will be sufficient to meet maturities of the debt for the payment of which they were created.

(c) If the department shall ascertain that any municipality has failed or neglected to establish any sinking fund to meet taxes interest and principal payments as the same become due or has failed to provide sufficient funds for any sinking fund to meet such payments the department shall make an order requiring the municipality or any officer thereof to take such steps as in the opinion of the department will cause such sinking funds thereafter to comply with this article or to be sufficient.

(d) Any officer or the members of any body of any municipality who shall refuse or neglect to obey any order of the department made under the authority of this section or who shall refuse to furnish information required by said department or refuse agents of said department the right of access to any records books and papers relating to the sinking fund of the municipality shall be guilty of a misdemeanor and upon conviction thereof shall be each sentenced to pay a fine not exceeding five hundred dollars.

(e) In addition to the imposition of the penalty hereinbefore provided or in lieu thereof the department may in its discretion apply to the court of common pleas of the county in which the municipality is situate for a writ of mandamus to issue to such officer or body of the municipality to compel compliance with such order of

the department or any modification thereof as to the court appears just and proper

Article V

Funding and Refunding Bonds

Section 501 General Provisions Any municipality may fund or refund any debts of the municipality either funded or unfunded in the manner and subject to the conditions provided in this article and may issue therefor its general obligation serial bonds to be known as funding or refunding bonds as the case may be

Except as herein otherwise provided such general obligation bonds shall be authorized issued and sold only in accordance with the provisions of article two of this act

The limitations on the debts of municipalities provided by article two of this act and the Constitution of this Commonwealth shall not prevent the funding or refunding of any debt which was valid at the time the debt was incurred even though the net debt of the municipality at the time of the funding or refunding exceeds such constitutional limitation

Funding and refunding bonds may be authorized issued and sold without the assent of the electors General obligation bonds issued to fund or refund bonds issued or debt incurred with the assent of electors shall evidence debt incurred with the assent of electors

Section 502 Funding Bonds Conditions (a) Whenever any municipality has any unfunded debt contracted for current operating expenses which is due and owing and the financial condition of the municipality is such that in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities it cannot meet such debt within the fiscal year without an unreasonable curtailment of municipal services or the levy of an excessive tax they may by petition apply to the court of quarter sessions of the county in which the municipality is situate setting forth the facts After hearing on such notice to the municipality and taxpayer as the court may prescribe the court shall make such order granting authority to fund such unfunded debt contracted for current operating expenses in whole or in part if it believes the proposed funding will accomplish the relief intended or refusing to permit the municipality to fund the same as it deems just and equitable The action of the court shall be final

Whenever the consent of the court to the funding of any unfunded debt contracted for current operating expenses has been secured the corporate authorities of the municipality may authorize issue and sell general obligation funding bonds bearing interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality the maturity of any such bonds not to extend beyond ten years from the date thereof and not exceeding in the aggregate the amount allowed by the court

(b) The funding of floating indebtedness incurred in the acquisition of property or the making of improvements as distinguished from that incurred for current operating expenses shall not require the approval of the court of quarter sessions but general obligation bonds issued to fund the same shall bear interest at a rate not exceeding six per centum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than the estimated period of usefulness of the property acquired or the improvement made which period of usefulness shall be stated in the ordinance authorizing the issuance thereof as required under the provisions of Section 206 of this Act

(c) If the total of the unfunded debt which is to be funded under the provisions of this section when added to the existing net debt of the municipality as determined by the provisions of Section 202 of this Act shall exceed two per centum of the assessed valuation of taxable property in the municipality but shall not exceed seven per centum of such assessed valuation then such municipality may first submit to the electors thereof in the manner prescribed by Section 205 of this Act the ratification validation and confirmation of such unfunded debt and if said electors shall assent to such ratification validation and

confirmation of such unfunded debt the corporate authorities may proceed to fund the same in the manner prescribed by this section In such cases no approval of the Court of Quarter Sessions shall be required The total of the debt which has been ratified validated and confirmed shall thereafter be excluded in computing the amount of the debt of the municipality incurred without the consent of the electors

Section 503 Refunding Bonds Conditions Where any municipality has issued general obligation bonds either originally or for refunding purposes to secure any debt of such municipality which may have matured but remains unpaid and uncanceled or are about to mature and become payable and there is at the time or will in the opinion of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities be a default in the payment of principal therein within one year the municipality for the purpose of paying off such bonds may authorize issue and sell refunding serial general obligation bonds bearing interest at a rate not exceeding six per centum per annum in addition to any taxes the payment of which may be assumed by the municipality the maturity of any of such bonds not to exceed twenty years after the date thereof and not exceeding in the aggregate the amount of the bonds or other evidences of indebtedness so to be paid All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall first be so applied and the balance of such issue only shall be redeemed by the issue of new bonds

Section 504 (a) Refunding of Callable Bonds Conditions Any municipality which has outstanding general obligation bonds which may be called prior to the maturity thereof at the option of such municipality or any municipality which may hereafter issue such bonds may authorize and issue its refunding bonds to redeem and pay off such outstanding callable bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate less than the rate specified in the bonds to be redeemed and the maturity of such refunding bonds shall not exceed the maturity of the bonds to be redeemed All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

(b) **Refunding of Bonds Which the Holders Are Willing to Surrender Conditions** Any municipality which has outstanding general obligation bonds which the holders are willing to surrender or any municipality which may hereafter issue bonds which the holders are willing to surrender may at any time with the consent of the holders thereof authorize and issue refunding bonds to redeem and pay off such outstanding bonds in an amount not exceeding in the aggregate the amount of bonds so to be redeemed and paid off Such refunding bonds shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality and shall mature not later than twenty years from the date thereof All assets in the sinking fund applicable to the payment of the principal of the bonds proposed to be refunded shall be first so applied and the balance of such bonds only shall be refunded by the issue of new bonds

Section 505 Sale or Exchange of Funding and Refunding Bonds Except in the case of refunding general obligation bonds issued to redeem bonds which the holders are willing to surrender any municipality shall first offer funding or refunding general obligation bonds for sale in accordance with the provisions of Section 214 of this act and if no bids are received for the same any such municipality shall be authorized to exchange such bonds with the debtors in the case of bonds issued to fund floating indebtedness and with the holders of the outstanding bonds in the case of bonds issued to redeem and pay off such outstanding bonds when such debt is to be funded or when such outstanding bonds are to be redeemed and paid off as the case may be The maximum rate of interest of the bonds to be exchanged shall not be in excess of the maximum rate of interest borne by the bonds pre-

viously offered for sale. In the case of refunding bonds issued to redeem bonds which the holders are willing to surrender the municipality shall have the option to offer said bonds for sale or to exchange said bonds with the holders of the outstanding bonds without previously having offered the same for sale.

For services in procuring the exchange or surrender of bonds or other evidences of debt a municipality may expend not to exceed one per centum of the debt so funded or refunded in addition to its actual expenses in the preparation and issue of such funding or refunding bonds.

Section 506 Cancellation of Bonds. All general obligation bonds and other evidences of debt funded or refunded pursuant to this article shall be marked cancelled by the treasurer or other proper authority of the municipality.

Article VI

Utility and Revenue Bonds

(a) Utility Bonds

Section 601 Power to Issue and Sell Utility Bonds. Any municipality which has by law power to provide for the construction or acquisition of waterworks, subways, underground railways or street railways or the appurtenances thereof may authorize issue and sell (a) general obligation utility bonds which shall not be considered to be a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution of Pennsylvania if as hereinafter provided it is determined that the net revenues derived from said property for a period of five years either before or after the acquisition thereof or where the same is constructed by the municipality after the completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said bonds or (b) non-debt utility bonds if the said bonds are secured solely by liens upon the respective property and shall impose no municipal liability.

Section 602 General Obligation Utility Bonds Not to be Considered Debt Under Certain Circumstances. (a) Where a municipality shall acquire or construct any property provided for in Section 601 of this act and money is to be borrowed by the issue of bonds to pay for such acquisition or construction and such bonds are not to be secured by liens on the property acquired or constructed such bonds shall be authorized issued and sold only as general obligation bonds and only in the manner provided by and in accordance with the provisions of article two of this act except that if the net revenues derived from said property during the five years immediately preceding the acquisition of such property would have been sufficient to pay interest and sinking fund charges on the general obligation bonds to be issued the assent of the electors need not be required.

(b) General obligation bonds so issued shall not be considered a debt within the meaning of sections eight and fifteen of article nine of the Constitution at any time when the net debt of the municipality shall be required to be determined for any purpose if the net revenue derived from said property for the period of the last five completed fiscal years of the utility property immediately preceding the date of such determination of net debt (whether before or after the acquisition of such property or after the completion of the construction thereof) shall have been or would have been sufficient to pay interest and sinking fund charges upon said general obligation bonds so issued or about to be issued.

(c) The determination that such general obligation bonds shall not at the time be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall be made by resolution of the council in the case of cities and boroughs and the corporate authorities in the case of other municipalities on the affidavit of the engineer or other proper officer of the municipality showing

(1) The date the general obligation bonds were issued or are to be issued

(2) The principal amount of the general obligation bonds issued or to be issued the dates of the maturity thereof and if such bonds are outstanding the principal amount thereof outstanding

(3) The amount of the interest and sinking fund charges for each year during the life of such bonds

(4) The gross revenue from said property during each of said five years from which shall be deducted for each year the total cost of operation and maintenance and state taxes assumed on such bonds in order to determine the net revenues for the said five year period

(5) That the net revenues derived from said property during said five year period were sufficient to pay interest and sinking fund charges on such general obligation bonds

(d) Where the issue of general obligation bonds is involved at the time the said debt is determined a certified copy of the affidavit of the engineer or other proper officer and a certified copy of the resolution of the council or corporate authorities shall accompany the record of proceedings transmitted to the department for approval and certified copies thereof shall also be filed in the office of the clerk of the court of Quarter Sessions with the financial statement required by article two of this act

(e) Any such general obligation utility bonds heretofore issued by any municipality may be determined not to be a debt within the meaning of sections eight and fifteen of article nine of the Constitution in accordance with the procedure provided by this section

(f) The determination that general obligation utility bonds shall not be considered a debt of the municipality within the meaning of sections eight and fifteen of article nine of the Constitution shall not be construed as effecting the contractual relations existing between the municipality and the holder of any such utility bonds

Section 603 Utility Bonds Imposing no Municipal Liability. (a) In the case of the acquisition or construction of any property provided for in section six hundred and one of this act where the bonds issued to pay for such acquisition or construction are to be secured by lien on the property acquired or constructed and are to impose no municipal liability the bonds may be authorized issued and sold by the corporate authorities only in the manner provided by and in accordance with the provisions of article two of this act in respect to general obligation bonds except that the consent of the electors shall not be required and that no tax need be levied for the payment of the principal and interest of and taxes on such bonds and that no provisions relating to debt statements and provisions that the bonds are general obligation bonds pledging the full faith and credit of the municipality need be complied with in the ordinance or otherwise

(b) Such non-debt utility bonds shall not be considered debts within the meaning of sections eight and fifteen of article nine or any other section of the Constitution and shall impose no municipal liability

(c) The ordinance of the corporate authorities authorizing the issue of such bonds shall in addition to the requirements of article two of this act and not above excepted state that the bonds are not general obligation bonds and shall rest alone for their payment and the payment of interest and taxes covenanted to be paid thereon upon the property subject to the lien and the revenues derived from said property which revenues shall be pledged for such purpose and shall state the method of application of such revenues to such purpose

(d) Where non-debt utility bonds are to be secured by lien on the property acquired or constructed as provided in section fifteen article nine of the Constitution the municipality may enter into any deed of trust indenture or other agreement with any bank or trust company or other person having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenue or receipts from such property. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the municipality may authorize including but without limitation provisions as to (1) construction improvement operation maintenance and repair of the property and the duties of the municipality with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders)

and (4) the terms and provisions of the bonds or the ordinance authorizing the issuance of the same

Section 604 Interest and Sinking Fund Charges on Certain Utility Bonds Tax Levy Where any municipality shall issue any general obligation utility bonds to provide for the construction of any property enumerated in section six hundred and one of this act the municipality may also issue bonds to provide for the interest and sinking fund charges accruing thereon until said properties have been completed and in operation for a period of one year No such municipality shall be required to levy a tax to pay said interest and sinking fund charges as required by section ten of article nine of the Constitution until after said property so constructed shall have been operated by the municipality during said period of one year

(b) Non-Debt Revenue Bonds

Section 620 Authority to Issue Revenue Bonds Any municipality authorized by law to construct acquire extend or alter any public works undertakings or facilities and to borrow money therefor by the issue and sale of bonds secured solely by the pledge of the whole or part of the revenue from any rent toll or charge for the use or services of such works undertakings and facilities may by ordinance of the corporate authorities thereof authorize issue and sell non-debt revenue bonds in the manner provided by division (b) of this article

Such non-debt revenue bonds shall not pledge the credit nor create any debt nor be a lien against any real property of the municipality nor be a charge against the general revenues of the municipality but shall be a lien upon and be payable solely from the rentals tolls or charges imposed for the use or services of such public work undertaking or facility

Section 621 Bond Ordinance Whenever a municipality has enacted an ordinance imposing a rental toll or charge upon properties or persons to be served by or to have the use of such public works undertaking or facility when the same is completed it shall have power to adopt an ordinance authorizing the issue of such bonds

Such ordinance shall state

(a) The purpose for which the non-debt revenue bonds are to be issued

(b) The maximum amount of bonds to be issued

(c) The rate or rates of interest or the maximum rate or rates of interest the bonds shall bear

(d) The maximum period within which the bonds shall mature

(e) The amount of annual rentals tolls or charges which are pledged for the payment of interest and sinking fund charges on the non-debt revenue bonds to be issued and state taxes covenanted to be paid thereon and shall pledge such annual revenues for the payment of the principal and interest of such bonds and taxes covenanted to be paid thereon

(f) That the bonds are not general obligations of the municipality and that no property or revenues of the municipality shall be pledged to the payment thereof or the interest and state taxes covenanted to be paid thereon except the rents tolls or charges for the use or services of the public work undertaking or facility to be constructed acquired altered or extended from the proceeds of the non-debt revenue bonds to be issued and that no tax shall in any event be levied for the payment of the interest or principal of or state taxes on such bonds

(g) That the bonds shall constitute a lien against the rents tolls or charges for the use or services of the work undertaking or facility to be constructed acquired altered or extended which are specifically pledged under the ordinance

(h) The method of applying the revenues from rents tolls or charges for the use of such work undertaking or facility to the payment of the principal interest and taxes on such bonds

Section 622 Bonds To Cover Interest Taxes And Sinking Fund During Construction The corporate authorities of the municipality shall have power to authorize the issue and sale of sufficient additional non-debt revenue bonds as may be necessary to provide for the interest taxes and sinking fund charges accruing thereon until

the public work undertaking and facility has been completed and has been in operation for not exceeding one year in order to provide sufficient revenue until such time as rentals tolls and charges may be collected from the owners of properties or persons being served

Section 623 Certain Procedure Required (a) All non-debt revenue bonds authorized issued and sold under the authority of subdivision (b) of this article shall be serial bonds as provided in article two of this act for general obligation bonds with maturities not exceeding the estimated period of usefulness of the property or improvement for which such bonds shall be issued which period shall be stated in the ordinance authorizing such bonds and when so stated shall be conclusive and shall bear interest at a rate not exceeding six per centum per annum in addition to any taxes payment of which may be assumed by the municipality

(c) General Provisions Applicable to Non-debt Public Utility and Non-debt Revenue Bonds

Section 630 Qualities Of Utility And Revenue Bonds All utility general obligation and utility non-debt bonds and non-debt revenue bonds issued by any municipality under the authority of this article shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments laws of the Commonwealth of Pennsylvania

Section 631 Periodic Issue Of Bonds The corporate authorities of any municipality shall have power to authorize the issue and sale of such bonds from time to time as the work of construction alteration or extension proceeds

Section 632 Investment Of Sinking Fund Moneys In Utility And Non-debt Revenue Bonds It shall be lawful for any municipality issuing utility general obligation bonds utility non-debt bonds or non-debt revenue bonds under the provisions of this article to invest the sinking fund moneys of the municipality in such bonds

Section 633 Default In Payment Of Principal And Interest Rights Of Bondholders In addition to the rights and remedies granted to bondholders by the ordinance providing for the issue of utility general obligation bonds utility non-debt bonds or non-debt revenue bonds in the event the municipality shall default in the payment of principal of or interest on any such bonds after the same shall have become due whether at maturity or upon call for redemption and said default shall continue for a period of thirty days or in the event the municipality shall fail or refuse to comply with the provisions of this article or shall default in any agreement made with the bondholders then the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument filed in the office of the recorder of deeds of the county where the municipality is situate and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the municipality to collect revenues rates tolls rentals and charges adequate to carry out any agreement as to or pledge of the revenues or receipts from the property work undertaking or facility and to require the municipality to carry out any other agreements with or for the benefit of the bondholders and to perform its duties

(b) Bring suit upon the bonds but any execution upon a judgment recovered thereon shall be restricted to the revenues or receipts from the property work undertaking or facility

(c) By action or suit in equity require the municipality to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of bondholders

(e) By notice in writing to the municipality declare all

bonds due and payable and if defaults shall be made good then with the consent of the holders of twenty-five per centum of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceeding by the trustee on behalf of the bondholders

In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee shall be a charge on the revenue or receipts derived from such property works undertakings and facilities the revenues or receipts from which are or may be applicable to the payment of the bonds so in default

Any such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any of the functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

Article VII

General Provisions

Section 701 Conversion And Reissuance Of Bonds
Whenever any municipality shall have any outstanding bonds which the holder desires to convert from coupon bonds into fully registered bonds or from fully registered bonds into coupon bonds or if any bonds shall be lost or completely destroyed or defaced or partially destroyed or defaced the municipality may in its discretion by resolution of the council in case of cities and boroughs and of the corporate authorities in case of all other municipalities authorize the conversion and reissuance of said bonds under the signatures of the officials in office at the time of the adoption of such resolution and under the following conditions

(a) In the case of the conversion of coupon bonds into fully registered bonds the same may be authorized to be done by the removal and cancellation of the coupons attached thereto and the execution by a duly authorized officer of the municipality of a certificate written or printed on the back of the bonds which shall include (1) Date of registration (2) name of registered owner (3) such other information as the corporate authorities deem necessary

(b) In case of the conversion of fully registered bonds into coupon bonds the same may be authorized to be done either (1) by attaching to said bonds new coupons for unmatured interest in the same form and tenor as those originally authorized and the execution by a duly authorized officer of the municipality of a certificate of such conversion written printed or stamped on the back of the bond or (2) by the preparation execution and substitution of new bonds and coupons

(c) In the case of bonds defaced or partially destroyed the resolution (1) may authorize the officers of the municipality in office at the time of the adoption of such resolution to re-execute such bonds and impress the seal of the municipality thereon or (2) may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons

(d) In the case of bonds lost or completely destroyed the resolution may authorize the preparation execution and substitution of new bonds and in the case of coupon bonds of coupons Before the adoption of such resolution the owner of said bonds shall furnish to the council in case of cities and boroughs and to the corporate authorities in case of all other municipalities (1) proof of ownership (2) proof of loss or destruction (3) bond with corporate surety satisfactory to the said council or corporate authorities to indemnify the municipality against all loss cost damage or expense which may thereafter be suffered by said municipality by reason of a claim of any person or persons based on the original bond or bonds supposed to have been lost or destroyed

(e) In all cases where new bonds or coupons are to be executed and substituted for old bonds the new bonds and new coupons shall be in the form and tenor of the old bonds and coupons and the cost of conversion

or reconversion and of the preparation execution and substitution of such bonds and coupons shall be borne by the persons requesting such reconversion or reissuance of said bonds and coupons and shall be paid to the municipality prior to the delivery of the new bonds or coupons

(f) The resolution authorizing such conversion reconversion or reissuance shall set forth the date maturities interest rate denomination numbers of the old and new bonds the name of the holder or holders thereof and that the cost of preparing and issuing the new bonds shall be borne and paid by the persons requesting the conversion reconversion or reissuance and a certified copy thereof shall be filed in the office of the Clerk of the Court of Quarter Sessions at the same number and term as the proceedings for the original bonds

Section 702 Bank As Registrar Or Transfer Agent In all cases where any municipality shall make provision for complete registration of any bond issue and the conversion and reconversion of said bonds it may appoint a bank or trust company as registrar or transfer agent of the municipality and provide for the registration and transfer of bands of the municipality by such registrar or transfer agent

Section 703 Temporary Obligations In all cases where any municipality has authorized and sold an issue of bonds and the purchaser or purchasers thereof desire to receive delivery of the whole or any part thereof and the municipality is unable to make such delivery due to delay in the preparation and execution of definitive bonds such municipality may prepare and upon receipt of the purchase price deliver temporary obligations for the whole or any part of said issue of bonds to the purchaser or purchasers

Such temporary bonds shall be in such denomination or denominations as may be agreed upon and shall be similar to the form and tenor of definitive bonds of the same issue but with such omissions modifications or additions as may be desirable or appropriate Such temporary bonds shall be exchangeable for other temporary bonds and for definitive bonds when ready of the same issue and series of like aggregate principal amounts whether of the same or different denominations and when surrendered for exchange shall be accompanied by all unmatured coupons if any appertaining thereto and if registered shall be accompanied by written instruments of transfer in form approved by the corporate authorities of such municipality duly executed by the registered owner in person or by his attorney duly authorized in writing All temporary bonds surrendered in exchange for other temporary bonds or for definitive bonds shall be cancelled

Temporary bonds issued in accordance with the provisions of this section shall be executed in the same manner as the ordinance provides for the execution of the definitive bonds

Article VIII

Effective Date Repeals

Section 801 Effective Date This act shall become effective on the first day of January one thousand nine hundred and forty-two

Section 802 Saving Clause Nothing contained in this act shall be construed to affect the validity of any bonds heretofore issued or sold nor shall anything in this act operate to prevent the issue and sale of any bonds authorized or to be authorized pursuant to any proceeding commenced prior to the effective date of this act and the authorization issuance and sale of such bonds may be proceeded with and concluded under the laws in existence when such proceedings was commenced notwithstanding the repeal by this act of such laws or may be proceeded with and concluded under the provisions of this act at the option of the municipality This act shall not be construed to repeal any of the provisions of the act approved the sixteenth day of May one thousand nine hundred and thirty-nine (P. L. 139) entitled "An act authorizing counties cities boroughs townships of the first and second class and school districts to issue and sell

bonds for certain purposes and for a certain period of time providing for a trust fund and a sinking fund for the payment thereof and defining the duties of the officers and governing bodies of the said municipalities or quasi-municipalities in relation to said funds and fixing a penalty for the violation thereof"

Section 803 Repeals The following acts and parts of acts are hereby repealed to the extent herein set forth

The act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" absolutely

The act approved the twelfth day of April one thousand eight hundred and seventy-five (P. L. 46) entitled "A supplement to an act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof approved the twentieth day of April Anno Domini eighteen hundred and seventy-four amending the sixth section thereof" absolutely

The act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled "An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities or school districts in this Commonwealth which have issued bonds or other interest bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached" except in so far as the same relates to cities of the first class

The act approved the ninth day of June one thousand eight hundred and ninety-one (P. L. 252), entitled "An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness" absolutely

The act approved the eighteenth day of April one thousand eight hundred and ninety-five (P. L. 36) entitled "An act amending section four of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due" absolutely

The act approved the thirteenth day of April one thousand eight hundred and ninety-seven (P. L. 17) entitled "An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restriction that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed" absolutely

The act approved the eleventh day of May one thousand eight hundred and ninety-seven (P. L. 53) entitled "An act to further amend the fourth section of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four as amended by an act approved the eighteenth day of April Anno Domini one thousand eight

hundred and ninety-five amending that part of the same which restricts the increase of indebtedness to an amount not exceeding two per centum and providing for an increase of indebtedness to an amount not exceeding seven per centum of the last assessed valuation" absolutely

The act approved the first day of March one thousand eight hundred and ninety-nine (P. L. 6) entitled "An act to amend section one and to repeal section two of an act (approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10)) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached'" except in so far as the same relates to cities of the first class

The act approved the first day of May one thousand nine hundred and nine (P. L. 317) entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four amending section three of said act relating to increase of indebtedness' being an act to amend an act approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the ninth day of June Anno Domini one thousand eight hundred and ninety-one amending section three of said act relating to increase of indebtedness to further amend section three of said act relating to increase of indebtedness" absolutely

Section 520 absolutely and sections 506 507 and 508 except in so far as said sections empower school districts to incur debt of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith"

The act approved the twenty-eighth day of May one thousand nine hundred and thirteen (P. L. 377) entitled "An act fixing the time within which an election may be held to increase municipal indebtedness for the same purposes and on the same subject as were defeated by a majority vote at a previous election" except in so far as the same relates to cities of the first class

The act approved the twenty-eighth day of April one thousand nine hundred and fifteen (P. L. 195) entitled "An act to amend section two of an act entitled 'An act to amend section two of an act entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' approved the twentieth day of April Anno Domini one thousand eight hundred and seventy-four abolishing the restrictions that the tax levied to pay municipal indebtedness shall be equal to eight per centum of the amount of such increased debt and providing for the method of assessing and levying a tax for the payment of the principal and interest when the bonds become due and the form of statement to be filed' approved the thirteenth day of April Anno Domini one thousand eight hundred and ninety-seven by extending the powers to incur and increase indebtedness to townships of the second class" absolutely

The act approved the fifth day of June one thousand nine hundred and fifteen (P. L. 846) entitled "An act relating to the indebtedness of municipalities and providing for carrying into operation section fifteen of ar-

title nine of the Constitution of Pennsylvania so far as it relates to municipalities" absolutely

The act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 568) entitled "An act authorizing boroughs with the assent of the electors duly obtained at an election to use moneys borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" and the amendments thereto absolutely

The act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled "An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice" except in so far as the same relates to cities of the first class

The act approved the twenty-sixth day of March one thousand nine hundred and nineteen (P. L. 24) entitled "An act authorizing cities of the third class with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose absolutely

The act approved the twelfth day of June one thousand nine hundred and nineteen (P. L. 456) entitled "An act authorizing boroughs and towns incorporated or acting under any local or special act or acts of Assembly to surrender the provisions of such special acts in so far as the said local or special acts restrict limit define abridge control or prescribe the borrowing or bonding capacity of said boroughs or towns and in so far as the said special acts prescribe or limit the method and procedure of creating indebtedness or issuing bonds or certificates of indebtedness therein and thereby and providing for the acceptance by said boroughs and towns of the provisions of the general act of Assembly approved the twentieth day of April one thousand eight hundred and seventy-four entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' prescribing the method and procedure by which the surrender of said provisions may be effected to be by petition to the court of quarter sessions of the judicial district in which said borough or town is located and approval by said court" absolutely

The act approved the twelfth day of April one thousand nine hundred and twenty-three (P. L. 59) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' providing a procedure to incur or to increase indebtedness where the existing indebtedness is less than two per centum but the amount to be incurred exceeds two per centum of the assessed value of the taxable property and providing that this act shall apply to pending proceedings" absolutely

The act approved the eleventh day of July one thousand nine hundred and twenty-three (F. L. 1042) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' by designating the place for the holding of elections for the purpose of increasing indebtedness of independent school districts" absolutely

The act approved the seventh day of April one thousand nine hundred and twenty-five (P. L. 171) entitled "An act to further amend section three of an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof'

as amended by providing that the vote shall be counted by the court of quarter sessions" absolutely

The act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled "An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties" absolutely

The act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 205) entitled "A supplement to an act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' absolutely

Sections 1776 1777 1782 1783 2141 2142 2147 2147 2181 and 2182 of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 516) entitled "A supplement to the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 9) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by providing for and regulating appeals from approvals and disapprovals by the Department of Internal Affairs of proceedings to incur or increase indebtedness and declaring the effect of the approvals by the department" and the amendments thereto absolutely

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 518) entitled "An act to amend the act approved the sixth day of July one thousand nine hundred and seventeen (P. L. 747) entitled 'An act requiring all counties cities boroughs townships school districts and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice' providing for private sales where no bids are received" except in so far as the same relates to cities of the first class

The act approved the eleventh day of April one thousand nine hundred and twenty-nine (P. L. 520) entitled "An act relating to deductible assets in the calculation of the percentage of the assessed valuation of taxable property representing indebtedness in proceedings to incur and increase indebtedness by counties cities boroughs towns townships municipal districts and divisions" except in so far as the same relates to cities of the first class

Section 396 of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" absolutely

The act approved the eighth day of May one thousand nine hundred and twenty-nine (P. L. 1661) entitled "An act to amend section three as amended of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof'

requiring county commissioners to furnish lists of voters where certain school directors hold elections on indebtedness" absolutely

The act approved the sixteenth day of May one thousand nine hundred and twenty-nine (P. L. 1778) entitled "An act to amend section two of the act approved the twentieth day of April one thousand eight hundred and seventy-four (P. L. 65) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof' as amended providing when bonds shall be due" absolutely

The act approved the thirteenth day of May one thousand nine hundred and thirty-one (P. L. 125) entitled "An act authorizing school districts with the assent of the electors duly obtained at an election to use moneys borrowed or authorized to be borrowed for purposes which have proved impracticable or impossible for any other lawful municipal purpose" absolutely

Sections 2702 2703 2704 2705 2706 2707 2708 3251 3252 and 3311 absolutely and section 3310 in so far as the same limits the maturity of bonds of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the laws relating thereto

Sections 1707 2446 and 2447 absolutely and section 2502 in so far as the same limits the maturity of bonds of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" absolutely

The act approved the twenty-eighth day of April one thousand nine hundred and thirty-three (P. L. 97) entitled "An act to amend section three of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' by authorizing the Department of Internal Affairs to charge and collect fees for examining and approving proceedings relating to municipal indebtedness" absolutely

Sections 904 1546 and 1547 of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the laws relating thereto" absolutely

The act approved the fourth day of May one thousand nine hundred and thirty-three (P. L. 273), entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness: to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended by extending the provisions of the said act to cities of the first and second classes and providing that the refunding bond issued under the provisions thereof may bear interest at a rate of six per centum per annum and providing further that said bonds shall be payable at any time not exceeding twenty years after the date thereof" except in so far as the same relates to cities of the first class

The act approved the twenty-seventh day of December one thousand nine hundred and thirty-three (1933-34 P. L. 123) entitled "An act authorizing counties poor districts boroughs towns townships and school districts having moneys borrowed for one purpose to use the same

for other purposes which will aid recovery from existing economic depression and requiring in certain such cases the assent of the electors" absolutely

The act approved the fifth day of January one thousand nine hundred and thirty-four (1933-34 P. L. 218) entitled "An act authorizing counties cities boroughs townships incorporated towns poor districts and school districts to issue bonds for the purpose of refunding or retiring outstanding bonds and to exchange said new bonds for such outstanding bonds without payment of cash or public bidding and limiting any compensation payable therefor" except in so far as the same relates to cities of the first class

The act approved the ninth day of May one thousand nine hundred and thirty-five (P. L. 155) entitled "An act granting power to counties cities boroughs towns townships school districts and poor districts to redeem unmatured bonds and obligations by a new issue of bonds at a lesser rate of interest" except in so far as the same relates to cities of the first class

The act approved the twenty-first day of June one thousand nine hundred and thirty-five (P. L. 401) entitled "An act to amend section nine of the act approved the thirty-first day of March one thousand nine hundred and twenty-seven (P. L. 91) entitled 'An act relating to municipal indebtedness imposing certain powers and duties upon the Department of Internal Affairs and the officers of counties cities of the third class boroughs towns townships school districts of the second third and fourth classes and poor districts in connection with proceedings to incur and increase indebtedness and the establishing and maintaining of sinking funds fixing the maximum maturity of refunding bonds and providing penalties' limiting existing indebtedness as covered by the section to bonded indebtedness" absolutely

The act approved the twelfth day of July one thousand nine hundred and thirty-five (P. L. 712) entitled "An act to amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' as amended extending the provisions of said act to townships of the first class" except in so far as the same relates to cities of the first class

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1287) entitled "An act to further amend section one of the act approved the fourteenth day of April one thousand eight hundred and eighty-one (P. L. 10) entitled 'An act granting power to counties cities (except cities of the first and second classes) boroughs municipalities and school districts in this Commonwealth which have issued bonds or other interest-bearing evidences of indebtedness to redeem the same and issue new bonds therefor with or without interest coupons attached' extending said act to townships and to the refunding of bonds and obligations issued for refunding purposes" absolutely

The act approved the fourth day of June one thousand nine hundred and thirty-seven (P. L. 1623), entitled "An act empowering municipalities to refund improvement bonds based solely on assessments for grading street and sewer improvements and imposing no municipal liability by a new issue of bonds" except in so far as the same relates to cities of the first class

All other acts of Assembly and parts of acts inconsistent with this act or any part thereof are hereby repealed in so far as they are in conflict or inconsistent herewith

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarraf,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boies,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbychaw,	McLenahan,	Simons,
Bradley,	Haberlen,	McLene,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordler,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elllott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
For,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECONSIDERATION OF HOUSE BILL No. 329

Mr. LEVY. Mr. Speaker, I move that the vote by which House Bill No. 329, Printer's Number 733, entitled:

An Act to further amend the definition of "Restaurant" in section two and section four hundred eleven of the act approved the twenty-ninth day of November, one thousand nine hundred thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, con-

nection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," eliminating some of the requirements heretofore imposed upon restaurant licensees," was defeated on final passage on Tuesday, June 3rd, 1941, be reconsidered.

Mr. REUBEN E. COHEN. Mr. Speaker, I second the motion.

The SPEAKER pro tempore. How did the gentleman from Philadelphia, Mr. Levy, vote on the final passage of this bill?

Mr. LEVY. Mr. Speaker, I voted in the majority.

The SPEAKER pro tempore. How did the gentleman from Philadelphia Mr. Cohen, vote on the final passage of this bill?

Mr. REUBEN E. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore declared the nays appeared to have it.

Whereupon, a division was called for, seventy-eight members having voted in the affirmative and forty in the negative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. LEVY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1524, as follows:

An Act to amend sections one two three and six of the act approved the first day of May one thousand nine hundred and forty-one (Act No. 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school districts (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" eliminating the powers of taxing authorities to reject certain provisions of the act making the act effective as to property upon which the period of redemption has expired and in certain cases permitting tax sales of real estate during the period of time such sales are prohibited by said act

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections one two three and six of the act approved the first day of May one thousand nine hundred and forty-one (Act No 17) entitled "An act abating certain tax penalties and interest on unpaid county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except in counties of the second class) taxes prohibiting the sale of real property for the nonpayment

of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof" are hereby amended to read as follows

Section 1 All penalties and interest imposed on unpaid delinquent county (except counties of the second class) city (except cities of the first and second class) borough town township school district (except school districts of the first class) poor district (except in counties of the second class) and county institution district (except counties of the second class) taxes for the tax year one thousand nine hundred and forty and all previous years assessed and levied against any parcel or parcels of real estate are hereby abated without the necessity of further action by the authority levying the tax if the unpaid delinquent taxes are paid as hereinafter provided (unless the authority levying the tax shall have notified the county treasurer within thirty days after this act becomes effective that the taxing authority has rejected by a majority vote the provisions of this act relating to installment payments of such delinquent taxes as provided by this section. In all cases whether or not the tax levying authorities have heretofore rejected or shall hereafter reject the provisions of the act to which this is an amendment the provisions of section two of said act which under certain conditions extends the benefits of said act to taxpayers and owners who pay the entire amount of such delinquent taxes at one time shall be mandatory as to all taxing authorities coming within the scope of said act.

In order to receive the benefits of the installment system of payment provided by this act twenty per centum or more of the unpaid delinquent taxes due for the year one thousand nine hundred and forty and for all previous years shall be paid on or before the first day of November one thousand nine hundred and forty-one twenty per centum or more on or before the first day of November one thousand nine hundred and forty-two twenty per centum or more on or before the first day of November one thousand nine hundred and forty-three twenty per centum or more on or before the first day of November one thousand nine hundred and forty-four and the unpaid balance on or before the first day of November one thousand nine hundred and forty-five. Provided That the taxes on such parcel or parcels of real estate levied for the year one thousand nine hundred and forty-one together with any interest and penalties due thereon shall be paid on or before the first day of November one thousand nine hundred and forty-one. And provided further That the respective current taxes on such parcel or parcels of real estate levied for the years subsequent to the year one thousand nine hundred and forty-one during such installment periods assessed and levied by such taxing authority shall be paid before they become delinquent. For the purpose of this act a tax shall be deemed to become delinquent on the date when a penalty attaches to the tax. If and whenever any of the said current taxes or any of the said installments are not paid when due and payable as herein provided then and in that event the total amount of the abated penalties and interest shall be revived and added to the unpaid taxes with the same force and effect as if such abated penalties and interest or portion thereof had never been abated and the taxpayer shall not thereafter be entitled to any further benefits or privileges under this act.

Section 2 Any taxpayer or owner having the right of redemption or person having purchased such real property from a political subdivision after the period of redemption has expired may anticipate the payment of such delinquent taxes for the year one thousand nine hundred and forty and previous years at any time on or before November first one thousand nine hundred and forty-one by paying the entire amount of such delinquent taxes and receive the benefit of this act and in such cases payment of the taxes assessed and levied for the year one thousand nine hundred and forty-one shall be required at the time of such payment.

Section 3 This act shall be construed to apply to all such taxes whether or not such taxes have been returned to the commissioner's office or to the treasurer of any city for nonpayment or liens therefor have been filed in the

office of the prothonotary of the county or proceedings for the collection of such taxes have been instituted in any court in said county or where real property has been sold to a county city borough town township school district or county institution district at a tax sale or on a tax lien (and the period of redemption has not expired) but this act shall not be construed to apply to cases where real property has been sold other than to a county city borough town township school district or county institution district at a tax sale or on a tax lien and where the period of redemption has [not] expired the act shall apply only as provided in section two. The taxpayer shall be liable for the payment of all costs incurred except the solicitor's fees where such taxes have been returned for nonpayment or liens therefor have been filed in the office of the prothonotary or proceedings for the collection thereof have been instituted in any court.

Section 6 In order to enable the taxpayer or owner having the right of redemption under a tax sale to receive the full benefits of this act no real property shall be sold for nonpayment of taxes before November first one thousand nine hundred and forty-one unless the written consent of the registered or real owner thereof is filed of record in the proceedings and any tax sale shall be adjourned or readjusted or right of redemption extended as often as may be necessary for this purpose. If any tax sale is adjourned or readjusted or right of redemption extended after advertisement or sale no additional advertisement or notice shall be necessary for the adjourned or readjusted sale or right of redemption. No such adjournment or readjustment or redemption failure to advertise or hold any such tax sale shall invalidate the lien of any tax due and unpaid or sale had subject to redemption but the lien of all such taxes shall be fully preserved during the entire installment period herein provided for if the taxpayer avails himself of the privileges or benefits of this act. Provided however That herein provided for if the taxpayer avails himself of the privileges or benefits of this act the period during which payment of the said delinquent taxes is postponed or continued under this act shall not be included in computing and determining whether or not any right of the tax assessing and levying authority has been barred or lost by reason of the provisions of any statute or statutes now existing or hereafter enacted limiting the right of the said tax levying and assessing authorities to file preserve or maintain the lien of the said taxes.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Shall the bill pass finally?

Mr. WALTER E. ROSE. Mr. Speaker, at this time I wish to call the attention of the House to the fact that this bill was defeated some time ago. It makes it mandatory for political subdivisions to accept the provisions of the tax abatement plan. Under the former act they have the power to reject it if they find that the abatement plan will work out to the detriment of the taxpayers. Very few of the subdivisions rejected the plan. Those who have rejected it should be commended for their forthrightness in the position they have taken, and I think, gentlemen, we have no right to say to them they must accept the provisions of the tax abatement if they don't want it. I again recommend to the Members to vote down this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—85

Achterman,	Haberlen,	McDermott,	Regan,
Allmond,	Haines,	McFall,	Reynolds,
Baker,	Hamilton,	McGrath,	Rhea,

Bentzel,	Harkins,	Melchiorre,	Rooney,
Boles,	Harmuth,	Modell,	Rose, S.,
Boney,	Harris,	Monks,	Rosenfeld,
Bower,	Hersch,	Mooney,	Schwab,
Breth,	Holland,	Moran,	Shaw,
Chervenak,	Jefferson,	Munley,	Tarr,
Cohen, M. M.,	Jones, P. N.,	O'Brien,	Tate,
Cordier,	Kenehan,	O'Connor,	Turner,
Croop,	Kolankiewicz,	O'Mullen,	Vincent,
Dennison,	Komorowski,	Cwens,	Vogt,
DiGenova,	Leonard,	Petrosky,	Weingartner,
Dolon,	Lesko,	Pettit,	Wells,
D'Ortona,	Leydie,	Polaski,	Welsh, M. J.,
Finestone,	Longo,	Polen,	Williams,
Finnerty,	Lovett,	Powers,	Woodring,
Flynn,	Malloy,	Prosen,	Wright,
Gallagher,	Marks,	Rausch,	Yester,
Gerard,	Maxwell,	Reese, R. E.,	Young,
Gryskewicz,			

NAYS—60

Auker,	Habbyshaw,	McKinney,	Sorg,
Boorse,	Hall,	McMillen,	Stambaugh,
Brunner, C. H.,	Hare,	McSurdy,	Stine,
Brunner, P. A.,	Hewitt,	Moul,	Stockham,
Cadwalader,	Huntley,	Muir,	Taylor,
Dairymple,	Imbrie,	Nunemacher,	Thompson R. L.,
Dix,	James,	Rank,	Trout,
Duffy,	Jones, G. E.,	Readinger,	Van Allsburg,
Elder,	Kline,	Reagan,	Voorhees,
Ely,	Krise,	Rose, W. F.,	Wagner,
Fiss,	Lee, T. H.,	Royer,	Watkins,
Fletcher,	Leisey,	Serrill,	Wilkinson,
Gillette,	Lichtenwaiter,	Shaffer,	Wolf,
Gross,	McClester,	Simons,	Wood, L. H.,
Gyger,	McIntosh,	Sollenberger,	Wood, N.,
			Woodside,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill 1537, (Senate Bill No. 381), as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing the acquisition operation and leasing of aviation landing fields and airdromes by counties of the second third fourth fifth sixth seventh and eighth classes conferring certain powers of eminent domain upon such counties for the acquisition of lands for aviation landing fields and airdromes authorizing such counties to appropriate for such purposes unredeemed lands purchased at tax sales providing for the jurisdiction of condemnation proceedings where lands are situated in more than one county authorizing such counties to act jointly with certain political subdivisions in the operation and maintenance of aviation landing fields and airdromes and providing for the expenditure of funds for such purposes in cooperation with certain State Federal or other public agencies

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding thereto after section four hundred and ninety-five the following sections

Section 496 Any county of the second third fourth fifth sixth seventh or eighth classes may acquire by lease purchase or condemnation proceedings any land lying within its territorial limits or the territorial limits of any adjoining county which in the judgment of the county com-

missioners may be necessary and desirable for the purpose of establishing and maintaining airdromes or landing fields but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof Any such county may also appropriate for such purposes any lands heretofore or hereafter purchased by it at any tax sale and which have not been redeemed within the period provided by law Provided however That nothing herein contained shall be construed to authorize the condemnation of any property owned by a company subject to the provisions of the Pennsylvania Public Utility Law

Section 496.1 The proceedings for the condemnation of lands under the provisions of this act and for the assessment of damages for property taken injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land for buildings for county purposes in the county in which the land is situated except that the owner of land to be condemned may if such land is situated in more than one county designate the court of common pleas of any county in which any portion of such land is situated to have exclusive jurisdiction over the condemnation proceedings In case such owner after notice and request fails to make such designation the court of common pleas of the county in which the principal part of the land is situated shall have exclusive jurisdiction over the condemnation proceedings The title acquired by virtue of any such condemnation shall be a title in fee simple

Section 496.2 Any such county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration after due public notice and with the consent and approval of the taxing authorities of the county acquiring such land to any individual or corporation desiring to use the same for the purposes of landing or starting an airplane therefrom or for other aeronautical purposes on such terms and subject to such conditions and regulations as may be provided Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration

Section 496.3 Any such county acquiring land for any aviation purpose may operate and maintain said airdromes or aviation landing fields jointly with any city county borough town or township or other political subdivision upon such terms and conditions as may be agreed upon between the corporate authorities thereof and the county commissioners of such county

Section 496.4 Any such county acquiring any land for such purpose may by resolution of the board of commissioners appropriate such funds as are necessary for the engineering design surveys and construction of such an airport either wholly by themselves or in cooperation with State Federal or other public agencies supplying a portion of the necessary funds for said work

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarrafi,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,

Breth.	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Lev,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lons,	Rose, S.,	Kilroy,
For,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1662, as follows:

An Act to amend the title and further amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employees thereof and contracts for pensions for such employees and providing for the payment of the cost thereof" authorizing the making of contracts for hospitalization and medical services and extending the provisions of the act to vocational school districts and institution districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The title of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P L 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employees thereof and contracts for pensions for such employees and providing for the payment of the cost thereof" is hereby amended to read as follows

An Act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school dis-

tricts [and poor] vocational school districts and institution districts to make contracts of life health hospitalization medical services and accident policies for the benefit of employees thereof and contracts for pensions for such employees and providing for the payment of the cost thereof

Section 2 Section one of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P L 688) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania or any department or division thereof and any county city borough incorporated town township school district vocational school district or institution district may and are hereby specifically authorized to make contracts of insurance with any insurance company or non-profit hospitalization corporation or non-profit medical service corporation authorized to transact business within the Commonwealth insuring its employees or any class or classes thereof under a policy or policies of group insurance covering life health hospitalization medical service or accident insurance and may contract with any such company granting annuities or pensions for the pensioning of such employees and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof

The proper officer agency board or commission of any of the above political divisions or subdivisions having authority to enter into such contracts of insurance are hereby authorized enabled and permitted to deduct from the employee's pay salary or compensation such part of the premium as is payable by the employee and as may be so authorized by the employee in writing

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Herberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,

D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elllott,	Leisey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
For,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ACHTERMAN.

The House resumed the consideration on final passage of House Bill No. 568, entitled:

An Act to further amend the act approved the first day of June, one thousand nine hundred and thirty-seven (P. L. 1168), entitled "An act to protect the right of employes to organize and bargain collectively; creating the Pennsylvania Labor Relations Board; conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government, and courts; providing for the right of employes to organize and bargain collectively; declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes to be the exclusive representatives of all the employes; authorizing the board to conduct hearings and elections, and certify as to representatives of employes for purposes of collective bargaining; empowering the board to prevent any person from engaging in any unfair labor practice, and providing a procedure for such cases, including the issuance of a complaint, the conducting of a hearing, and the making of an order; empowering the board to petition a court of common pleas for the enforcement of its order, and providing a procedure for such cases; providing for the review of an order of the board by a court of common pleas on petition of any person aggrieved by such order, and establishing a procedure for such cases; providing for an appeal from the common pleas court to the Supreme Court; providing the board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court; providing for service of papers and process of the board; prescribing certain penalties," redefining the powers and duties of the Pennsylvania Labor Relations Board; redefining "labor disputes," the rights of employers and certain unfair labor practices by employers and employes; further changing the provisions for designation and selection of representatives for the purpose of labor bargaining; changing the practice and procedure before the board, further prescribing the qualifications for, and increasing the salaries of, members of the board; eliminating the provision making the rules and regulations of the board subject to the approval of the Secretary of Labor and Industry; and eliminating certain forfeiture of rights.

On the question recurring,
Shall the bill pass finally?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the pur-

pose of further study and possible amendment.
The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SCANLON.

The House resumed the consideration on final passage of House Bill No. 709, as follows:

An Act to further amend section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with the transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" by further defining the sales of malt or brewed beverages

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and twelve of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-34) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" as last reenacted and amended by the act approved the sixteenth day of June one thousand nine hundred and thirty-seven (P. L. 1762) is hereby further amended to read as follows

Section 412 Sale of Malt or Brewed Beverages Every license issued to a hotel restaurant club or a railroad pullman or steamship company under this act for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor except that licensees other than clubs may sell malt or brewed beverage for consumption off the premises where sold in quantities of not more than [seventy-two] one hundred forty-four fluid ounces in a single sale to one person No licensee under this act shall at the same time be the holder of any other license except a retail dispensers license authorizing the sale of malt or brewed beverages only

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. SCANLON, MELCHIORRE and FALKENSTEIN asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—90

Allmond,	Goodwin,	McSurdy,	Rosenfeld,
Baker,	Gryskewicz,	Melchiorre,	Royer,
Balthaser,	Harkins,	Modell,	Sarraf,
Boles,	Harmuth,	Monks,	Scanlon,
Bonéy,	Herman,	Mooney,	Schwab,
Bradley,	Hersch,	Moran,	Shaw,
Breth,	Holland,	Munley,	Sorg,
Brunner, C. H.,	Jefferson,	O'Brien,	Stank,
Brunner, P. A.,	Kenehan,	O'Mullen,	Tarr,
Burns,	Kline,	O'Neill,	Thompson, E. F.,
Chudoff,	Kolankiewicz,	Petrosky,	Thompson, R. L.,
Cordier,	Komorowski,	Polaski,	Vogt,
Cullen,	Leonard,	Powers,	Voldow,
Dalrymple,	Lesko,	Prosen,	Voorhees,
DiGenova,	Lichtenwalter,	Rausch,	Watkins,
Dolon,	Longo,	Readinger,	Weiss,
Fuffy,	Lovett,	Reese, R. E.,	Welsh, M. J.,
Falkenstein,	Malloy,	Regan,	Williams,
Finestone,	Marks,	Reynolds,	Wolf,
Finnerty,	Maxwell,	Rhea,	Wood L. H.,
Flynn,	McClanaghan,	Rose, S.,	Woodring,
Gallagher,	McDermott,	Rose, W. E.,	Young,
Gerard,	McGrath,		

NAYS—75

Achterman,	French,	Knoble,	Riley,
Auker,	Gillan,	Krise,	Rush,
Baughner,	Gillette,	Levy,	Sarge,
Bentzel,	Greenwood,	Leydic,	Serrill,
Bower,	Gross,	Lyons,	Shaffer,
Burris,	Gyger,	McClester,	Simons,
Cadwalader,	Habbyshaw,	McFall,	Sollenberger,
Chervenak,	Haines,	McIntosh,	Stambaugh,
Cochran,	Hall,	McKinney,	Stine,
Cohen, M. M.,	Hamilton,	McMillen,	Stockham,
Croop,	Hare,	Moul,	Taylor,
Dennison,	Harris,	Muir,	Trout,
Dix,	Heatherington,	Nagel,	Turner,
Elder,	Helm,	Nunemacher,	Wagner,
Elliott,	Hewitt,	O'Connor,	Weingartner,
Ely,	Huntley,	O'Dare,	Woodside,
Fiss,	Imbrie,	Owens,	Yeakel,
Fleming,	James,	Reagan,	Yester,
Foor,	Jones, P. N.,		

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

The SPEAKER. The Chair thanks the gentleman from Delaware, Mr. Turner, for presiding.

The Chair would like to inform the Members of the reason for his absence today. He attended the ceremony at the Pennsylvania Military College in honor of that great sportsman and symbol of good, clean living, a man loved by the youth of our nation, Mr. Connie Mack. He received a Doctor's Degree on physical education.

I also want to thank the gentleman from Delaware for that great occasion.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1508, (Senate Bill No. 645), entitled:

An Act to reenact and further amend the title and the act, approved the first day of June, one thousand nine hundred thirty-three (P. L. 1409), entitled as amended, "An act creating the Highway Mining Commission with judicial powers, to have exclusive jurisdiction over the

mining of coal within or under the right of ways of State highways; and the assessment and award of benefits, improvements, and damages for coal required to be left in place by reason of the obligation to furnish support for State highway routes, whether payable by the Commonwealth or a county; authorizing counties to enter into agreements to indemnify or reimburse the Commonwealth for damages to highways caused by the removal of coal under or adjacent thereto," by extending said act, as amended, to all lands, easements and right of ways purchased, condemned, or otherwise acquired by the Commonwealth; waiving vertical and lateral support therefor under certain conditions; reserving the right to acquire absolute vertical and lateral support; reserving the power to establish detours for the removal of coal underlying State highways; renaming the Highway Mining Commission and making certain changes in its membership and procedure; providing for appeals to the courts of common pleas from orders assessing damages for coal required to be left in place; and further clarifying the provisions of the act.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1208, (Senate Bill No. 80), as follows:

An Act to further amend the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by further defining "contributions" to be paid by certain employers changing the procedure and administrative details for the determination and payment of compensation further regulating the appointment promotion dismissal suspension and furlough of civil service employees further defining the powers of and procedure before the board making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board and making the Administration Fund subject to certain charges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section I Clause (b) of section four of the act approved the fifth day of December one thousand nine hundred and thirty-six (P. L. 2897 1937) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exception) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing

procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" is hereby amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

(b) "Benefit year" with respect to any individual means the fifty-two consecutive weeks beginning with the first [week] effective day occurring after January first one thousand nine hundred thirty-eight with respect to which compensation is payable to him and thereafter the fifty-two consecutive weeks beginning with the first [week] effective day with respect to which compensation is properly claimed by or next payable to him after the termination of his last preceding benefit year

Section 2 Clause (i) of section four of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * * *

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employee (whether or not the same employee) in employment subject to this act for some portion of each of some [twenty (20)] two (2) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week in covered employment or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or subcontractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or subcontractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which said individual is engaged in performing such work except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing work of any agent or employee of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employee provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employees at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "employment" subject to this act services

performed by his or its employees [entirely without this Commonwealth] with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employee or employees included in such election maintain a domicile within this Commonwealth

Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "employment" subject to this act services performed by his or its employees which are exempt under the provisions of subsection (j) of section four of this act. Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act. Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

Section 3 Clauses (i) (s) and (v) of section four of said act are hereby amended to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * * *

(1) "Full-time Weekly Wage" means the weekly wages that any individual would receive if he were employed at his most recent wage rate from employers during his base year and for the customary scheduled full-time week prevailing for his occupation in the enterprise in which he last earned wages from employers during his base year

If the department finds that the full-time weekly wage as above defined would be unreasonable or arbitrary or not readily determinable with respect to any individual the full-time weekly wage of such individual shall be deemed to be [one-thirteenth] one-tenth of his total wages from employers in that quarter in which such total wages from employers were highest during the first eight out of the last nine completed calendar quarters (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven), immediately preceding the first day of his benefit year

(s) "Total Unemployment" means [that an employee during a particular week has had no work for which wages are payable to him the total lack of any employment or wages payable on any day including employment not subject to this act

(v) "Week" means any calendar week ending at midnight Saturday or [the equivalent thereof as determined in accordance with general rules adopted by the department] any seven consecutive calendar days or each accumulation of five effective days which need not be consecutive

Section 4 Section four of said act is hereby amended by adding after clause (v) a new clause to read as follows

Section 4 Definitions The following words and phrases as used in this act shall have the following meanings unless the context clearly requires otherwise

* * * * *

(w) "Effective day" means a full day of total unemployment provided such day falls within a period of seven consecutive calendar days in which an employee had three or more days of total unemployment and provided further that those days of total unemployment in excess of two days within such period shall be deemed "effective days" An employee who is employed on a shift continuing through midnight shall be deemed to have been employed only on the day beginning after midnight with respect to such shift

Section 5 Subsections (e) and (f) of section two hun-

dred and eight of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) are hereby further amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * *

(e) The secretary shall prescribe by rules and regulations the qualifications not inconsistent with any limitations set forth in this act to be possessed by persons desiring employment in the various grades of employment in the administration of this act. The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application. Transfers of employees from employment in central administrative offices to district offices in another city town or borough in which district the employees have been legal residents for a period of not less than six months or transfers of employees from employment in district offices in one city town or borough to central administrative offices must have prior signed approval of employees involved. Provided That transfers of employees from employment in central administrative offices to district offices in the same city town or borough or vice versa or that temporary transfers of employees from employment in central administrative offices to any one district office in which district they may or may not be a legal resident as herein defined for not more than sixty days in any one calendar year or temporary transfers of employees from employment in district offices in one city town or borough to central administrative offices for not more than sixty days in any one calendar year can be made without prior approval of the employees involved but in the case of such temporary transfers the employees involved shall be furnished traveling expenses and adequate subsistence expenses while on such temporary assignment.

(f) Every individual desiring employment under the provisions of this act shall file with the board an application under oath or affirmation which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary. In no case shall the board require of the applicant any information pertaining to his race creed color or political affiliations. Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks. Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but not applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position. Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experiences and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect

to all applicants in the same grade of employment. Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall receive in addition to all other ratings an additional five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles. Applications of individuals who have been appointed and who have served the probationary period specified in this section shall not be further reviewed or revaluated by the board.

Section 6 Subsection (i) of section two hundred and eight of said act is hereby amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * *

(i) The board shall certify to the secretary for each administrative district and for the State as a whole lists of the names of persons receiving a passing mark and shall rank such persons in the order of magnitude commencing with the highest rating for the specified grade of employment. Such list shall be known as a list of eligibles and shall be valid until the next examination is held and the new list of eligibles certified for the same grade of employment but in no event for a period of less than [one year] two years unless no more than two names remain on a list of eligibles in which case a new examination [may] shall be held and the list of eligibles shall be certified to the secretary within six months but those whose names remained on the list of eligibles shall be retained on the new list for a period of at least [one year] two years from the date of their original certification.

In certifying lists of eligibles for the various grades in any class of employment the board shall certify persons taking identical examinations on all lists of eligibles for all grades in such class of employment for which they are qualified.

Section 7 Subsection (j) of section two hundred and eight of said act as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-seven (P. L. 658) is hereby further amended to read as follows

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * *

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section. In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled. If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made. For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three

separate vacancies. The third and any additional vacancies shall be filled in like manner.

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled [in so far as practical unless no qualified employees as available [in a lower grade] by promotions from among employees [holding positions in the lower grades]. In all cases an employee to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act and shall have passed a promotional examination conducted by the board under the provisions of this act and be on the certified promotional list for the position to which they are to be promoted. The qualifications for taking a promotional examination or to be promoted shall not be inconsistent with any provision or limitation set forth for an examination for appointment under this act [Promotions shall be based on merit and upon the superior qualifications of the employee to be promoted as shown by his or her previous service record under this act. The secretary may promote an employee to a higher position to which such employee has been certified as eligible by the board provided that the board shall in certifying such employee satisfy itself that the employee possesses the qualifications prescribed by the secretary for the higher position. Before making such certification the board may require any employee or employees to take such qualifying or competitive examinations as the board may prescribe].

Section 8 Subsections (k) (n) (o) (p) and (s) of section two hundred and eight sections three hundred and one and four hundred and one of said act are hereby amended to read as follows:

Section 208 Civil Service Selection of Personnel Additional Duties of Secretary and Board

* * * *

(k) A person selected for appointment shall be duly notified by the secretary in writing and upon accepting and reporting for duty shall receive from the secretary a certificate of appointment. The first nine months under this appointment shall be a probationary period. If and when after full and fair trial during this period the conduct or capacity of the probationer be not satisfactory to the secretary the probationer shall be so notified in writing with a full statement of reasons and this notice shall terminate his services provided that within ten days he may appeal his case to the board in the same manner as hereinafter provided for individuals receiving notice of dismissal. The retention of such individual beyond the probationary period shall automatically confirm such individual as a permanent appointment and such an individual may not be dismissed suspended or furloughed except for the reasons specified in this section. In case of emergency extra positions shall be filled temporarily by persons from the list of eligibles and if no such persons are available then such temporary appointments may be made of persons not on the list of eligibles. No extra position shall be filled temporarily for a period of more than three months in any twelve month period and no person whether or not on the list of eligibles shall be temporarily appointed to any such extra position for more than three months in any one calendar year. Persons on the list of eligibles who are temporarily appointed to such extra positions shall be given credit for such time on their probationary period under this act and after being employed for nine months by temporary appointments as herein provided shall be reinstated to the list of eligibles and shall be given preference in future regular appointments the same as hereinafter provided for furloughed employees. At no time shall there be persons serving temporarily in such extra positions in excess of ten per centum of the total number of employees in employment under this act. The secretary shall when notifying any person of such temporary appointment give them full details as to the nature of the work and the minimum

period of time such temporary appointment shall continue.

(n) When there are no more than two eligibles on a list of eligibles for any grade of employment in which a vacancy exists the secretary may in his discretion make an appointment therefrom [or from any civil service list of eligibles of the same grade and similar specifications of duties established for State employment by the laws of this Commonwealth].

(o) The secretary may when in his judgment the public interest or the efficiency of the service requires summarily dismiss any employee of the department engaged in the administration of this act who has been finally convicted of an offense in connection with his duties in the administration of this act or of any felony or any crime involving moral turpitude.

The secretary may suspend for a period not to exceed thirty days or dismiss any employee of the department engaged in the administration of this act for delinquency or misconduct in his or her duties under this act.

The secretary may by reason of lack of funds or curtailment of work furlough any employees of the department engaged in the administration of this act provided that such employees shall be reinstated to the lists of eligibles and shall be given preference over all other persons on such lists of eligibles and preference over all other persons on any promotional lists for future appointments to their own grade of employment or a lower grade in the same class of employment in order of seniority. Such eligibility for reinstatement shall remain effective for a period equal in length to an employee's service under this act but in no case shall it continue for a period longer than two years. Furloughs shall be made in reverse order of seniority within grades but in cases where two or more employees have equal seniority the one with the lowest rank on the civil service list shall be furloughed. Any employee displaced in this manner who has been previously promoted shall be returned to his previous position and salary by displacing the employee with the least service in that grade but in cases where two or more employees have equal seniority the one with the lowest rank on the civil service list shall be furloughed. This system shall apply to all promoted employees.

The secretary may demote to a vacant position in the lower grade in the same class of service any employee of the department who is unable to perform the duties of the position to which he or she was appointed and who is able to perform the duties of such lower grade.

Employees may upon application in writing to the secretary and upon written approval by him obtain a leave of absence without pay.

(p) All employees of the department engaged in the administration of this act who are given notice of dismissal suspension demotion or furlough shall be entitled to a hearing before the board by an appeal made within ten days after such notice of dismissal suspension demotion or furlough becomes effective and shall be furnished with copies of any charges preferred against them and shall be allowed a reasonable time for personally answering the same in writing and submitting affidavits in support thereof. Any employee summarily dismissed or dismissed for delinquency or misconduct under a decision of the board or upon the expiration of the date for an appeal if no appeal has been taken shall be removed from all lists of eligibles for positions under this act. Any employee after having been dismissed suspended demoted or furloughed or having received notice of dismissal suspension demotion or furlough and who has made appeal thereof to the board shall be restored by the secretary upon being sustained on such appeal by the decision of the board to the same grade of employment in which he had been employed and [in the discretion of the board] shall be fully reimbursed for any loss of salary caused by such dismissal suspension demotion or furlough. The board shall hear such appeals and render a final decision in all cases under this section in not more than thirty days after the date of such appeals and shall keep records of such appeals as provided for appeals for compensation.

under section five hundred four of this act Appeals may be taken by the secretary or the employe from the board to the Superior Court within thirty days after the decision of the board in the same manner as provided in this act for appeals with respect to compensation

(s) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact or in any manner conceals any information in order to obtain employment either for himself or any other person under this section shall upon conviction thereof in a summary proceedings be sentenced to pay a fine of not less than twenty dollars nor more than two hundred dollars and in the default of the payment of such fines and costs shall be sentenced to imprisonment for not more than thirty days and each such violation shall be deemed to be a separate offense and his name shall be removed from all lists of eligibles and if appointed he shall be summarily dismissed.

A material fact or item of information shall be limited to one which the board exercising due diligence is able to prove false within the nine month's probationary period. The board shall have no authority to act under this section following the expiration of the nine months' probationary period for the employe involved.

Section 301 Contributions by Employers of Eight or More Employes Each employer who has employed eight or more employes (whether or not the same employes) in employment for some portion of each of some [twenty] two (2) days [(whether or not at the same moment of time)] during a calendar year each day being in a different week] shall pay for each such calendar year beginning with the calendar year one thousand nine hundred thirty-six contributions into the Unemployment Compensation Fund which shall be equal to but not more than the amount of the maximum credit allowable to such employer for such calendar year by section nine hundred two of the Social Security Act against the Federal excise tax imposed by section nine hundred one of the Social Security Act with respect to employment. Such payments shall be made at such times and in such manner as the department shall prescribe. Such contributions in order to be no more and no less than the maximum credit allowable under the Social Security Act against such Federal excise tax shall be equal to the following percentages of total wages paid or payable by the employer for such calendar year

(1) Ninetenths of one per centum for the calendar year one thousand nine hundred thirty-six

(2) One and eight-tenths per centum for the calendar year one thousand nine hundred thirty-seven and

(3) Two and seven-tenths per centum for the calendar year one thousand nine hundred thirty-eight and each calendar year thereafter

Section 401 Qualifications Required to Secure Compensation Compensation shall be payable to any employe who is or becomes totally unemployed on or after January first one thousand nine hundred thirty-eight and who

(a) Has within his base year earned wages from employers of not less than [thirteen times his weekly compensation amount] one hundred dollars except for casual labor

(b) Has registered for work at a designated employment office at such times and in such manner as the department may prescribe

(c) Has made a claim for compensation in the proper manner prescribed by the department

(d) Is able to work and available for work and

(e) Has been totally unemployed for a waiting period of at least [three weeks] five effective days which need not be consecutive (except as otherwise hereinafter provided in this clause) prior to [any] the first week for which he claims compensation provided that such [three weeks] five effective days of total unemployment shall occur after compensation first becomes payable under this act. Such [three weeks] five effective days shall not include any [week] day in which the employe was ineligible for compensation under section four hundred two of this act or

was ineligible for compensation under any provision of this section excepting however paragraphs (a) and (c) of this section. The [three weeks] five effective days of total unemployment need not be consecutive but may be accumulated over the period of fifty-two consecutive weeks preceding any week for which he claims compensation. Provided that this requirement shall not interrupt the payment of compensation for consecutive weeks of unemployment. If the employe's total unemployment is due to a voluntary suspension of work resulting from an industrial dispute then he shall be ineligible for compensation for a further waiting period of three weeks or fifteen effective days in addition to the waiting period hereinbefore prescribed in this clause.

(f) In claiming benefits hereunder an employe shall correctly report any days of employment including employment not subject to this act and the days on which he was totally unemployed and shall make such reports in accordance with such regulations as the department shall prescribe.

Section 9 Section four hundred and two of said act as amended by the act approved the twentieth day of June one thousand nine hundred and thirty-nine (P. L. 458) is hereby further amended to read as follows

Section 402 Ineligibility for Compensation An employe shall be ineligible for compensation for any [week] period under the provisions of section four hundred one of this act

(a) In which his unemployment is due to failure without good cause either to apply for suitable work when so directed by the employment office or to accept suitable work when offered to him by the employment office. In determining whether or not any work is suitable for an individual the department shall consider the degree of risk involved to his health safety morals his physical fitness and prior training and experience and the distance of the available work from his residence.

(b) In which his unemployment is due to voluntary leaving work without good cause except where as a condition of continuing in employment the employe would be required to join or remain a member of a company union or to resign from or refrain from joining any bona fide labor organization or to accept wages hours or conditions of employment not desired by a majority of the employes in the establishment or the occupation or would be denied the right of collective bargaining under generally prevailing conditions.

(c) With respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States. Provided That if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits the disqualifications shall not apply.

(d) Any employe ineligible for compensation under section four hundred one of this act because of the provisions of subsections (a) and (b) of this section shall become eligible for unemployment compensation in accordance with his earning if such employe has not secured any employment for a period of four weeks after he has become unemployed.

Section 10 Sections four hundred and three four hundred and four five hundred and four five hundred and five six hundred and two and six hundred and three of said act are hereby amended to read as follows

Section 403 Rate and Payment of Weekly Compensation Compensation shall be paid only for each accumulation of five effective days which need not be consecutive shall be payable at the rate of [fifty] sixty-six and two-thirds per centum of the employe's full-time weekly wage but the amount shall not be more than [fifteen] twenty dollars nor less than [seven dollars and fifty cents] ten dollars a week. An employe's weekly compensation amount as determined for the first week of his benefit year shall constitute his weekly compensation amount throughout such benefit year. Compensation shall be computed to the nearest multiple of [five] fifty cents. Compensation shall be paid through employment offices at such times and in such manner as the department may prescribe. All accrued benefits due any deceased employe may in the discretion of the de-

partment be paid to the surviving spouse children or parents of the deceased without letters testamentary or of administration

Any claimant who begins a benefit year after the effective date of these amendments shall have his benefit and compensation rights determined in accordance with such amendments Provided That any claimant who may have accumulated one or more weeks of waiting within fifty-two weeks of the effective date of these amendments without having begun a benefit year may have one week of such accumulated time credited to him at the beginning of and for use in the benefit year beginning subsequent to the effective date of these amendments

Section 404 Amount of Compensation The maximum total amount of compensation payable to any eligible employee during any benefit year shall not exceed [one-eighth] one-fifth of his total wages from employers during the first eight out of the last nine completed calendar quarters immediately preceding each week with respect to which compensation is payable (excluding however any completed calendar quarter which occurs prior to January first one thousand nine hundred thirty-seven) or [thirteen] sixteen times his weekly compensation amount whichever is the lesser.

The department may maintain a separate account for each employee and in such event shall credit his account with all wages earned by him from employers subsequent to January first one thousand nine hundred thirty-seven Compensation paid to an eligible employee shall be charged against amounts credited to such account in the chronological order in which the wages of such individual were earned from employers

Section 407 Status Preserved During and After Military or Naval Service Notwithstanding any provision of this act to the contrary the compensation rights of any employee who enters the military or naval service of the United States during any period of war or preparation for defense and is honorably discharged from such service shall become fixed as of the time he enters such service and shall remain in status quo for and during the period of such service and upon being honorably discharged from such service such employee shall be entitled to the same benefit rights under the act to which this is an amendment as he was at the time he entered the service In calculating the base year the base period the benefit year or any period of time under said act all time so spent in the military or naval service of the United States shall be excluded from computation therein

The legislature hereby declares the intent of this section to be that the benefit rights of an employee entering the military or naval service herein described and subsequently receiving an honorable discharge therefrom shall during the period of such service be and remain as they were of the time of entry into service and that upon the termination of such service by honorable discharge the benefit rights of such employee shall be and continue as though uninterrupted by the period of such service

Section 504 Powers of Board Over Claims The Board shall have power on its own motion or on appeal to remove transfer or review any claim pending before or decided by a referee and in any such case and in cases where a further appeal is allowed by the board from the decision of a referee may affirm modify or reverse the decision of the department or referee on the basis of the evidence previously submitted in the case or direct the taking of additional evidence When any claim pending before a referee is removed or transferred to the board the board shall afford the claimant and all other affected parties reasonable opportunity for a fair hearing The parties shall be duly notified of the board's final decision and the reasons therefor A complete record shall be kept of each case heard before the board All testimony at any hearing before the board whether on appeal or otherwise shall be taken by a reporter but need not be transcribed unless the disputed claim is further appealed

Section 505 Rules of Procedure The manner in which appeals shall be taken the reports thereon required from the department the claimant and employers and the conduct of hearings and appeals shall be in accordance with

rules of procedure prescribed by the board whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure Provided however That the board shall afford the claimant and all other affected parties a reasonable opportunity for a fair hearing which shall be public and wherein all evidence shall be taken under oath or affirmation

Section 602 Administration Fund There is hereby created a special fund to be known as the Administration Fund which shall consist of all moneys or other property received by the department from the United States of America or any agency thereof including the Social Security Board or from any other source whatsoever to be used for the administration of this act The department shall pay all costs required for the administration and operation of this act out of the Administration Fund

In addition any law to the contrary notwithstanding this fund shall be subject to a charge by the Treasury Department for the costs incurred by said department in making disbursements arising from payments out of the Unemployment Compensation Fund and the fund created in this section

Section 603 State Treasurer as Custodian The State Treasurer shall be the custodian of the Unemployment Compensation Fund and the Administration Fund He shall give a bond or bonds with corporate sureties conditioned upon the faithful performance of his duties as custodian of such funds in such amount or amounts as shall be determined and fixed by the Executive Board of this Commonwealth Premiums for such bond or bonds shall be paid by the department out of the moneys in the Administration Fund All moneys belonging to such funds (exclusive of moneys on deposit in the Unemployment Trust Fund as provided in section six hundred one) shall be deposited by the State Treasurer in any banks or public depositories in which general funds of the Commonwealth may be deposited but no public deposit insurance charge or premium shall be paid out of moneys in the Unemployment Compensation Fund Any law to the contrary notwithstanding all payments from such funds shall be made by the State Treasurer under such systems of requisitioning and accounting as [the Governor] the State Treasurer [and secretary] shall determine with the approval of the Social Security Board

Section 11 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I had prepared a statement on this bill and a comparison of the bill as it came from the Senate and the amendments to the Unemployment Compensation Law that were made in pursuance of the study made by the Joint State Government Commission, but in view of the fact that the bill has been,—well I would say that the bill as it is now is an abortion because it does not in any way resemble or have any of the characteristics it had as it came from the Senate. The Democratic leadership might just as well have presented an entirely new bill rather than take Senate Bill No. 80 and amend it in the respect that it has been amended.

I realize that a measure of this kind in this session will undoubtedly go to a conference committee, and I cannot conceive that the Senate will concur in the amendments of the House, because so many of them are absolutely ridiculous. Many of them are based on an unknown quantity that may cost such a great amount of money that it might endanger the fund. I do not feel that the amendments proposed by the Joint State Government Commis-

sion are infallible. As far as the questions of the amount of payments or the waiting period are concerned, those are questions upon which we might have honest difference of opinion, but after the Joint State Government Commission has studied the Unemployment Compensation Law has conferred with innumerable groups of people, after it has called in all the agencies it could think of and has come to an honest conclusion as to the amendments to be made and then have it turned out as it has been, it seems to me is a legislative absurdity, and one therefore which I am not prepared at the moment to discuss.

I am confident it will go to the Senate and a conference committee. I believe there should be amendments to the unemployment compensation law. I am going to vote against this bill because I feel that the House committee in changing the provisions radically and wiping out provisions has changed the bill entirely from what was proposed by the Senate. That is a wrong procedure and certainly not an intelligent approach to this subject after such a study, and therefore, I am going to vote no, feeling that it will go to a Conference Committee, including the House and the Senate, and believing it may be worked out there.

Mr. REUBEN E. COHEN. Mr. Speaker, this House is now being possibly condemned because they sought to do some work on the unemployment compensation bill, because the majority party of this House promised to the people of Pennsylvania some amendments to the unemployment compensation laws to liberalize the law.

This House several weeks ago passed a bill amending and liberalizing the unemployment compensation law. The bill went to the Senate, where it was promptly put into a nice little pigeon hole in an ancient desk in some dusty committee room, and there it reposes without seeing the light of day. The House Committee on Labor decided to do something on unemployment compensation, because they gnaw that the Republican Senate refused to act on what the House thought was agreeable. The Senate received the House bill before it acted on its own bill, and lacking the intestinal fortitude to act on the House bill, they put out a concoction which they thought was an unemployment compensation bill. That bill was passed, adopting, I believe, in good part the work of the Joint State Government Commission of which the gentleman from Delaware was the chairman since the last session of the Legislature.

The gentleman has stated that he does not believe the Joint State Government Commission findings were infallible, and I admire the gentleman for his frankness in stating that there might have been some imperfections in their findings. It so happens that the House Committee on Labor in carefully studying this bill took the recommendations of the Joint State Government Commission where they felt those recommendations were on sound and firm ground. The gentleman certainly cannot have good reason now to complain that we have not taken all of the recommendations of the committee of which he was chairman, because what we saw was good in their recommendations we adopted. This bill was introduced in the Senate by a partisan committee made up of one Democrat and three Republicans; one member in the Senate a self styled expert on compensation in Pennsylvania and possibly in America; one the chairman of the sub-committee which handled the legislation for the

Joint State Government Commission, one other Republican Senator, and the Senator from Westmoreland, Mr. Dent, who was also on the Joint State Government Commission.

Senator Dent has authorized me to say here today that after the Senate Committee took apart a bill which he originally agreed to sponsor as a member of the Joint State Government Commission, he was ashamed of this bill and desired to withdraw any support he ever gave to the bill. I think with such a lurid history behind it, this House would do well to pass this bill and return to the Senate a bill that will be of benefit to those who need it; pass it and send it over to the Senate and show them that we are ready and have always been ready to put through liberal legislation. If you want this liberal legislation, vote on it; don't talk about it. Don't try to hold it up, but sit down and work out the proposition. I think if we enter into the proposition with that spirit we will probably have a decent liberal unemployment law for the people of Pennsylvania.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—146

Achterman,	French,	Malloy,	Rooney,
Allmond,	Gallagher,	Marks,	Rose, S.,
Auker,	Gerard,	Maxwell,	Rose, W. E.,
Baker,	Goodwin,	McClanaghan,	Rosenfeld,
Balthaser,	Greenwood,	McDermott,	Rush,
Baughner,	Gross,	McFall,	Sarraff,
Bentzel,	Grykewicz,	McGrath,	Scanlon,
Boles,	Haberlen,	McIntosh,	Schwab,
Boney,	Haines,	McLanahan,	Shaffer,
Bower,	Hamilton,	McSurdy,	Shaw,
Bradley,	Harkins,	Melchiorre,	Sorg,
Breth,	Hermuth,	Modell,	Stank,
Brown,	Harris,	Monks,	Stockham,
Brunner, C. H.,	Heatherington,	Mooney,	Tarr,
Brunner, P. A.,	Hersch,	Moran,	Tate,
Burns,	Hirsch,	Moul,	Taylor,
Burriss,	Holland,	Munley,	Thompson, E. P.,
Cadwalader,	Huntley,	Nagel,	Thompson, R. L.,
Chervenak,	Imbrie,	Nunemacher,	Trout,
Chudoff,	James,	O'Brien,	VanAlsbury,
Cochran,	Jefferson,	O'Connor,	Verona,
Cohen, M. M.,	Jones, G. E.,	O'Dare,	Vincent,
Cohen, R. E.,	Jones, P. N.,	O'Mullen,	Vogt,
Cordier,	Kenehan,	O'Neill,	Voldow,
Corrigan,	Kline,	Owens,	Voorhees,
Croop,	Knoble,	Petrosky,	Watkins,
Cullen,	Kolankiewicz,	Pettit,	Weingartner,
Dalrymple,	Komorowski,	Polaski,	Wells,
Dolon,	Krise,	Polen,	Welsh, M. J.,
D'Ortona,	Lee, T. H.,	Powers,	Wilkinson,
Duffy,	Leonard,	Frozen,	Williams,
Ellrott,	Lesko,	Rank,	Wolf,
Falkenstein,	Levy,	Rausch,	Woodring,
Finestone,	Leydic,	Readinger,	Wright,
Flannerty,	Longo,	Regan,	Yester,
Fleming,	Lyons,	Reynolds,	Young,
Fletcher,	Lovett,	Rhea,	Kilroy, Speaker
Flynn,			

NAYS—10

Dix,	McKinney,	Sarge,	Wood, L. H.,
Ely,	Riley,	Stambaugh,	Wood, N.,
Hall,	Royce,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return it to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SCHOOL BOY PATROL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon the School Boy Patrol of Cresson, Cambria County, sponsored by the Cresson Post No. 238 American Legion.

HOUSE BILLS ON THIRD READING MADE SPECIAL ORDER

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on third reading in consecutive order as they appear on the calendar, be made a special order of business immediately.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1195, entitled:

An Act to amend article three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing the formation of State and county associations of assessors or other assessing and taxing officers; providing for the organization, operation and meetings thereof; and imposing the duty of paying certain expenses connected therewith upon counties.

On the question,

Will the House agree to the bill on third reading?

Mr. McFALL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title, page 1, seventh line of title by inserting after the word "formation" the following: "except in counties of the second class".

Amend sec. 2, page 2, line 9, by inserting after the word "Assessors" the following: "Except in Counties of the Second Class".

Amend sec. 2, (sec. 97), page 2, line 13, by inserting after the word "county" the following: "except counties of the second class".

Amend sec 2, (sec. 99), page 3, line 2, by inserting after the word "Assessors" the following: "not including counties of the second class".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1256, as follows:

An Act requiring all police officers in cities of the first Class to slate for hearing all persons arrested by such officers without warrant in the station house of the dis-

trict in which the arrest was made providing for the confinement of such persons imposing certain duties on magistrates and imposing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 All police officers shall slate all persons arrested by them without warrant in the station house located in the district in which such arrest without warrant is made

Section 2 All persons so slated shall until the hearing or unless released be confined only in the station house in the district in which such arrests are made or in the nearest county prison

Section 3 It shall be the duty of all magistrates assigned to the divisional police courts in such cites to hear and determine all such cases in the divisional police district in which the arrest was made

Section 4 Any police officer or superior officer found guilty of violating the provisions of this act in summary proceedings shall be fined one hundred dollars (\$100) and such violation by any police officer or superior officer shall be grounds for removal from his position

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Malloy,	Rose, W. E.,
Allmond,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gerard,	McClanaghan,	Rush,
Balthaser,	Gillan,	McClester,	Sarge,
Baughner,	Gillette,	McDermott,	Sarra,
Benzel,	Goodwin,	McDowell,	Scanlon,
Biles,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbushaw,	McLanahan,	Simons,
Breth,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	McShiorre,	Stambaugh,
Burns,	Lare,	Mihm,	Stank,
Burris,	Earlins,	Modell,	Stine,
Cadwalader,	Earmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heathbrington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, E. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Fallen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dclon,	Kenahan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Welch,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolenkiewicz,	Prosen,	Wilkinson,
Eckels,	Komoroski,	Rank,	Williams,
ElCer,	Krise,	Rausch,	Winnier,
Elliott,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Leisey,	Reagan,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Flannerty,	Levy,	Regan,	Woodside,
Fris,	Leydic,	Reynolds,	Wright,
Fleming,	Lichtenwalter,	Rhea,	Yeakel,
Fletcher,	Longo,	Kiley,	Yester,
Flynn,	Lovett,	Rooney,	Young,
	Lyons,	Rose, S.,	Kilroy, Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1625, entitled:

An Act to protect public health, safety and morals and to promote the common welfare by regulating the use and occupancy, re-use and re-occupancy and the renting and re-renting for use and occupancy of all buildings in cities of the first class planned in whole or in part for residential purposes, and any living quarters connected with a business or commercial establishment by requiring the issuance of certificates of occupancy and by requiring owners, agents and tenants to obtain such certificates of occupancy; conferring powers and imposing duties upon the Department of Public Health and upon the Department of Public Safety of cities of the first class; providing for appeals to the Zoning Board from refusals of the Department of Health to issue certificates providing for inspections and inspection fees and the institution of prosecutions for failure to obtain certificates of occupancy imposing penalties and repealing inconsistent acts or parts of acts

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. FINNERTY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities First Class for the purpose of a public hearing.

The motion was agreed to

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 129, as follows:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or

revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superceded by or inconsistent with this act" prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers and prohibiting certain public utilities from imposing minimum or meter charges

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Article three of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing

penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended by adding at the end thereof after section three hundred thirteen two new sections to read as follows

Section 314 Penalty for Failure to Pay Promptly Prohibited No public utility as defined in section two clause seventeen paragraphs (a) (b) and (f) of this act shall impose any penalty upon its consumers for failure to pay promptly greater than interest at the legal rate covering the period of nonpayment after the expiration of the days of grace allowed in schedule duly filed with the Public Utility Commission

Section 315 Ready to Serve and Meter Rental Charges Prohibited No public utility as defined in section two clause seventeen paragraphs (a) (b) and (f) of this act shall impose upon the patrons or customers of its service any charge commonly called a ready to serve charge or meter rental charge or any other charge of any kind whatsoever except the charge imposed at its legally scheduled rates for the service or commodity actually furnished or rendered to its consumers Provided however That those charges which are commonly called customer's costs or charges including meter reading meter inspection billing and bookkeeping may be equitably divided among all customers receiving said service

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Messrs. DOLON, LOVETT, and PAUL A. BRUNNER asked for a verification of the roll.

The roll was verified and was as follows:

YEAS—105

Achterman,	French,	Maxwell,	Readerer,
Baker,	Gallagher,	McClester,	Reese, R. E.,
Balthaser,	Gerard,	McFall,	Regan,
Baughner,	Gillan,	McGrath,	Reynolds,
Bentzel,	Goodwin,	McIntosh,	Rose, S.,
Boies,	Greenwood,	McLanahan,	Rose, W. E.,
Boney,	Gross,	McLane,	Rush,
Bradley,	Haberlen,	McSurdy,	Sarrafi,
Breth,	Hamilton,	Modell,	Shaffer,
Brown,	Hare,	Mooney,	Shaw,
Brunner, P. A.,	Harkins,	Moran,	Sorg,
Burns,	Harmuth,	Moul,	Stambaugh,
Burris,	Harris,	Muir,	Stank,
Chervenak,	Heatherington,	Nagel,	Stine,
Cochran,	Heim,	Nunemacher,	VanAllsburg,
Cohen, M. M.,	Eirsch,	O'Connor,	Verona,
Cordier,	Holland,	O'Dare,	Vincent,
Cullen,	Komorofski,	Owens,	Voorhees,
Delrymple,	Lee, T. H.,	Petrosky,	Wagner,
Dennison,	Leonard,	Pettit,	Watkins,
Dix,	Lesko,	Polaski,	Weiss,
Dolon,	Longo,	Polen,	Welsh, M. J.,
Elliott,	Lovett,	Powers,	Williams,
Finnerty,	Lyons,	Prosen,	Woodring,
Fletcher,	Malloy,	Rank,	Yester,
Flynn,	Marks,	Rausch,	Young,
Foor,			

NAYS—52

Allmond,	Hebbyshaw,	McClanaghan,	Thompson, R. L.,
Auker,	Haines,	McKinney,	Trout,
Bower,	Hall,	Melchiorre,	Turner,
Brunner, C. H.,	Herman,	O'Brien,	Vogt,
Cadwalader,	Hersch,	Rhea,	Voldow,
Chudoff,	Imbrie,	Riley,	Weingartner,
Corrigan,	James,	Rooney,	Wilkinson,
DiGenova,	Jefferson,	Royer,	Wood, L. H.,
D'Ortona,	Jones, G. E.,	Sarge,	Wood, N.,
Duffy,	Kline,	Sollenberger,	Woodside,
Eckels,	Kolankiewicz,	Stockham,	Wright,
Elv,	Krise,	Tate,	Yeakel,

Finestone, Levy, Thompson, E. F., Kilroy, Speaker.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1482, as follows:

An Act to amend section four hundred eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contratural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction-alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred eighteen of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining

as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violation of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" is hereby amended to read as follows

Section 418 Construction and Installation of Facilities Limitations (a) If a bona fide cooperative [association] corporation has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map [of the territory to be served by such association and a statement verified by oath or affirmation showing that a majority of the prospective customers in the area are included in the project no public utility shall begin the construction or installation of any new plant or system or the construction or installation of any extension improvement or addition to its existing plant or system for furnishing light or power service within said territory until the expiration of six months from the date of the filing of such map and statement In the event such association has entered into a loan agreement with any Federal agency for the financing of its proposed system and has given written notice thereof to the commission no public utility shall begin any such construction or installation within said territory until the expiration of twelve months from the date of said loan agreement] or maps indicating the area or areas in which the operation of said corporation are intended to be conducted it shall be unlawful for any public utility after receipt of any notice as hereinafter provided of the filing of said map or maps to construct any electric distribution lines within said area or areas or to solicit customers for electric service therein or in any manner to conflict interfere or compete with the proposed system of said corporation

until after the expiration of three months from the date of said filing of said map or maps

(b) Whenever a bona fide cooperative corporation has been organized to furnish light or power service to its stockholders or members only on a nonprofit basis and has filed with the commission a map or maps indicating the area or areas in which the operation of said corporation are intended to be conducted together with a statement verified by oath or affirmation to the effect that a majority of the potential users of electric energy not then receiving central station electric service in said area or areas in which the operations of said corporations are intended to be conducted have signified in writing their willingness to take service from the proposed system of said corporation it shall be unlawful for any public utility after receipt of notice as hereinafter provided of the filing of said map or maps and statement to construct any electric distribution lines within said area or areas or to solicit customers for electric service therein or in any manner to conflict interfere or compete with the proposed system of said corporation until after the expiration of six months from the date of said filing of said map or maps and statement

(c) In the event that said corporation within said six months' period shall enter into any loan agreement with any Federal agency for the financing of its proposed electric system and shall file a written notice thereof with the commission together with a copy of said loan agreement no such public utility after receipt of notice of such loan agreement shall construct any electric distribution lines within said area or areas or solicit customers for electric service therein until after the expiration of twelve months from the date of filing said notice of said loan agreement

(d) It shall be the duty of the commission to give notice in writing of the filing of said map or maps as set forth in subsection (a) hereof or the filing of said map or maps and statement as set forth in subsection (b) hereof or said loan agreement as set forth in subsection (c) hereof to each public utility having any electric transmission or distribution lines or systems within any area shown on said maps where said corporation intends to operate its proposed system. There shall be attached to said notices blue print copies of said maps a copy of said statement if such statement has been filed with the commission and a copy of the notice of said loan agreement in the event that such an agreement shall have been entered into Sufficient copies for the purpose of such notices shall be furnished to the commission by and at the expense of the said corporation The said corporation may give the notices required by subsections (a) (b) and (c) hereof and such notices shall be effectual for the purposes of this section notwithstanding any failure of the commission to give the notices herein provided for Any notice shall be deemed to have been given within the requirements of this section when it has been deposited in the mails with postage prepaid and addressed to the principal office of any said public utility

Section 2 The provisions of this act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. McINTOSH. Mr. Speaker, on February 17th of this year the Members of this House pledged themselves to cooperate with the farmers of the State of Pennsylvania in their efforts to obtain rural electrification. This bill was designed as a fulfillment of that pledge. The bill is an amendment to section 418 of the Public Utility Act which sets up certain limitations when a cooperative operates in the same area as the Public Utilities. The bill changes the present section 418 by changing the

periods of limitations on the utilities and by changing the limitations themselves. Under the present section 418 there are two periods of limitations. The first period of limitation is when a cooperative files a joint statement that a majority of the potential users of electricity in that area have filed with the cooperative a map. Then the utility is barred for a period of six months from beginning construction in that area. The second limitation under the present section 418 is that when a cooperative obtains a loan from a Federal agency to further the purposes of the cooperative then the public utility is barred from beginning construction in that area for a period of twelve months.

This proposed bill sets up a third period of limitation, namely that when a cooperative files a map designating the area in which they are going to operate, the public utility is limited in its operation in that area. The limitations, as I have said, have also been changed. Under the present act the limitation was that the public utility could not begin construction. It is apparent that in the State of Pennsylvania as in the other states which have similar acts a utility comes in and constructs the lines and their contention, which may be legally correct, is that they are not beginning construction, but they are simply extending the old construction. This bill says they shall not construct; it covers extension of construction or any other type of construction.

The other limitation which is put into this proposed amendment is that the utility shall not compete with the cooperatives in any manner. That is, for instance, soliciting of customers during the periods of the limitations. The reason for this limitation is this, it has become apparent in the states that have cooperatives, once a cooperative is in its formative stage and it looks like it is going to be a going concern, it has been the practice that a public utility would go out and solicit the customers and construct what are called spite lines, and the construction of the spite lines raises the cost of the erection of the wires to the cooperative to such an extent that it is impracticable for the cooperative to continue. Of course, the solicitation of the cooperative's customers necessarily curtails the extent of the cooperative's activities. It is a matter of record which was brought out at public hearings on this question, that many people have testified that once they have signed up with these cooperatives the agent of the utilities would come around and tell them that the cooperative will not be a going concern, that is, it will fold up, and these people should sign up with the utility. If they fail to sign up with the utility then, they never will get rural electrification.

Mr. Speaker, this bill is designed to effectuate the purpose of the pledge that was taken in this House, and I predict if this bill becomes a law it will effectuate that purpose, namely, it will facilitate the extension of rural electrification in rural Pennsylvania.

I, therefore, ask the Members of this House to support this bill.

Mr. BAUGHER. Mr. Speaker, I want to give a few reasons from a practical standpoint why this House Bill No. 1482, giving further protection to electric cooperatives under the Public Utility Law, should be made law in the State of Pennsylvania. Being from a farm area and representing Adams county where I have recently observed the development of an electric cooperative, I

want especially to urge the passage of this bill for the following reasons:

1. In 1936 the United States Congress passed the rural electrification administration act for the purpose of lending money at low interest rates for the building of rural electric lines which had been neglected by utility companies for one reason or another. In 1930, at the time of the passage of this act, one out of every ten farmers in the United States was privileged to receive electric service. Today, better than one out of every four farm homes receives the benefits of electric service. It cannot be seriously disputed that the R. E. A. has been responsible for this great advance. The building of these lines is done principally throughout the United States by electric cooperative corporations. Some of the credit for this advance must and does go to local State laws which make the incorporation and operation of cooperatives less complicated than ordinary corporations. Pennsylvania passed such an act in 1937 called the "Electric Cooperative Corporation Act." In 1937 the Pennsylvania Legislature passed as part of the public utility law, section 418 which protects these cooperatives against deliberate efforts of utilities to break up cooperative projects at their commencement. It is that section 418 to which this House Bill No. 1482 is a proposed amendment.

2. For the information of the House, I should like to say that there are in Pennsylvania thirteen electric cooperatives serving members in approximately thirty-one or thirty-two counties of the State. These Pennsylvania cooperatives have already constructed approximately 7500 miles of line. According to the best figures available, these Pennsylvania cooperatives have been largely responsible in increasing the percentage of farm homes receiving electricity from 23 per cent in 1935 to approximately 52 per cent in 1940. It is therefore clear that in Pennsylvania we have a number of these cooperatives performing an essential service for which they should receive all due consideration and protection from the law.

3. These cooperatives definitely need more protection than is afforded by section 418 of the present public utility law. To give an example, on January 30, 1941, the cooperative which has its headquarters in Adams county and has lines built in Cumberland county encountered serious difficulties with a utility in Cumberland county, especially in the area around Big Spring or Springfield, south of Newville. The cooperative developed a project in that area and was about to file maps with the Public Utility Commission under the present section 418 of the public utility law when the utility suddenly rushed construction through the cooperative project area and especially in Big Spring. As many of you may recall from reading the newspapers, approximately forty farmers and members of this cooperative banded together and prevented the utility from building into Big Spring in order to protect their project; because where a telephone line is on one side of the road and a power company line on the other side, little room is left for a cooperative line unless it passes entirely through the fields of the farmers. According to my best information, this "Battle of Shovels," as it has been called, was entirely the responsibility of the utility because its proposed line would be serving practically no one in the Big Spring or in the surrounding territory. The cooperative had everyone on

its side and did not want the utility line to come through. The power company obtained its right of way partly by condemning properties and obtained other rights of way by falsely telling many farmers that the cooperative was not intending to come through Big Spring. This is an example of the methods used by utilities in Pennsylvania to defeat these cooperative projects. A careful reading of House Bill No. 1482 will make this rushed and unadjusted construction on the part of power companies impossible because the cooperative can file maps sooner with the Public Utility Commission and thereby prevent these battles. In Adams county which I represent, the utility there made several attempts to grab the best cooperative areas by rushing construction even though the people did not want service from the company because they had signed with the cooperative. I am advised that in many other parts of Pennsylvania, power companies attempt by the same and other methods to prevent the spread of cooperative lines.

4. Mr. Speaker and Members of the House, I want to point out that these cooperatives are undoubtedly performing an essential service. I know and have been told of a number of cases where well-to-do farmers have attempted for a number of years to encourage the power company to build electric lines to them. These lines were not built because a too high building charge was demanded by the power company. In some cases, it may be under \$100.00 and in many cases the sum exceeds the sum of \$100 or amounts to several hundred dollars. In addition to these building charges, the power companies are in the practice of asking the farmers to guarantee high monthly minimum payments. I know of some cases where \$6, \$10, \$12 and \$15 and more a month have been asked. Even prosperous farmers cannot afford to meet these terms. The purpose of the rural electrification administration act is to make possible service to these farmers at cost and without profit to anyone because these cooperatives are non-profit cooperatives. Practically all the people being served by these cooperatives are cases where the utilities wanted sums of money out of the reach of these people to pay. It is possible, however, to serve such farmers by cooperative non-profit projects. I strongly feel that we should take this opportunity for furthering the rural electrification development by passing this House Bill No. 1482 in order not only to make farm homes more livable but to provide power and other service to rural people which electricity can more conveniently make possible. In short, we owe it to the more unfortunate rural people of this state, to pass House Bill No. 1482. I might add, in conclusion, that in the interest of National Defense this legislature should pass House Bill No. 1482 in order that the United States be as far advanced in electric service and coverage as are such nations as Germany and Switzerland which are approximately 100 per cent electrified, while today we are only approximately 25 per cent electrified.

I want to urge every Member of the House to vote for House Bill No. 1482 because I am firmly convinced that it is one of the most important questions to be considered in this session of the legislation. Rural electrification means a great deal to the people of Adams county and I know it will mean a great deal to all the citizens of the Commonwealth. I ask every Member to give this bill a favorable vote.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—124

Achterman,	Finestone,	Lovett,	Prosen,
Allmond,	Finnerty,	Malloy,	Rausch,
Baker,	Flynn,	Marks,	Readinger
Balthaser,	French,	Maxwell,	Reece, R. E.
Baughner,	Gallagher,	McClanaghan,	Regan,
Bentzel,	Gerard,	McClester,	Reynolds,
Boney,	Goodwin,	McDermott,	Rooney,
Breth,	Greenwood,	McFall,	Rose, S.
Brown,	Gross,	McGrath,	Rosenfeld,
Brunner, P. A.,	Gryskawicz,	McIntosh,	Rush,
Burns,	Gyger,	McLanahan,	Sarrafi,
Burris,	Haberlen,	McGurdy,	Scanlon,
Chervenak,	Hall,	Melchiorre,	Schwab,
Chudoff,	Hamilton,	Modell,	Shaffer,
Cochran,	Harkins,	Monks,	Shaw,
Cohen, M. M.,	Harmuth,	Mooney,	Stank,
Cohen, R. E.,	Harris,	Moran,	Tate,
Cordier,	Heatherington,	Moul,	Thompson, E. F.
Corrigan,	Edm.	Muir,	Vincent,
Croop,	Hersch,	Nagel,	Vogt,
Cullen,	Hirsch,	Rumemacher,	Voldow,
Dairymple,	Holland,	O'Brien,	Watkins,
Dennison,	Kuntley,	O'Connor,	Wells,
DiGenova,	Jones, P. N.,	O'Mullen,	Welsh, M. J.,
Dix,	Kolankiewicz,	O'Neill,	Wilkinson,
Dolon,	Komoroski,	Owens,	Williams,
D'Ortona,	Krise,	Petrosky,	Woodring,
Duffy,	Leonard,	Pettit,	Wright,
Early,	Lesko,	Polaski,	Yester,
Elliott,	Levy,	Polen,	Young,
Falkenstein,	Longo,	Powers,	Kilroy.

Speaker.

NAYS—16

Auker,	Rhea,	Taylor,	Van Allsburg,
Habbyshaw,	Riley,	Thompson, R. L.,	Weingartner,
Haines,	Royer,	Trout,	Wood, N.,
McKinney,	Stockham,	Turner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1716, as follows:

An Act to further amend sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" by prescribing malt beverage tax rates for certain original containers or standard fractions thereof fixing a minimum quantity of malt or brewed beverages which may be sold in cases cartons or boxes and providing for refunds of tax for malt or brewed beverages sold to commissaries ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections three and ten of the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 284) entitled as amended "An act imposing

a State tax payable as those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as last amended by the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 527) are hereby further amended to read as follows

Section 3 (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured in this Commonwealth when prepared for market and every person who ships or transports malt or brewed beverages into this Commonwealth for sale delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section before such beverages are transported within this Commonwealth. Such taxes shall be at the rate of one-third cent (1/3c) per half pint of eight (8) fluid ounces or fraction thereof and in larger quantities at the rate of one-half (1/2c) per pint of sixteen (16) fluid ounces or fraction thereof.

The tax rates per [barrel] original container or standard fraction thereof are as follows

Standard Fraction	Malt Beverages Tax Rate	Volume
1 barrel	\$1.24	31 gal
1/2 barrel	.62	15 1/2 gal
1/3 barrel	.42	10 1/3 gal
1/4 barrel	.31	7 3/4 gal
1/6 barrel	.21	5 1/6 gal
1/8 barrel	.16	3 7/8 gal
1 gallon	.04	
1/2 gallon	.02	
1 quart	.01	
1 pint	.005	
1/2 pint	.0033	

(b) In the event that any state territory or country shall impose upon malt or brewed beverages which have been manufactured in Pennsylvania a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state territory or country every person who ships or transports from such state territory or country malt or brewed beverages manufactured therein into this Commonwealth for sale delivery or storage in this Commonwealth shall pay thereon to the Commonwealth before such beverages are transported within this Commonwealth in addition to the tax imposed by this section a tax equal to such excess tax or fee which is imposed in such state territory or country on Pennsylvania-manufactured malt or brewed beverages. Such additional tax shall be levied assessed and collected in the same manner as the other taxes imposed by this act.

(c) Manufacturers and all persons who bring malt or brewed beverages into the Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act.

No manufacturer nor any person who brings malt or brewed beverages into the Commonwealth shall sell any malt or brewed beverages packed in any case carton or box unless such case carton or box shall contain not less than two hundred eighty-eight (288) fluid ounces.

Section 10 (a) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped and that he shall furnish from the purchaser an affidavit or in cases where the total purchase price is five dollars (\$5.00) or less a written certificate in lieu of an affidavit from the purchaser or upon satisfactory proof that such affidavit or certificate cannot be obtained other evidence satisfactory to the de-

partment that he has received such malt or brewed beverages for sale or consumption outside the Commonwealth and the amount of stamps or crowns thereon together with the name and address of the purchaser [whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps or crowns of sufficient value to cover the refund].

(b) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(c) In case any malt or brewed beverages upon which stamps or crowns have been placed by an out of state manufacturer and subsequently sold by an importing distributor to commissaries ship's stores or voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy such manufacturer shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit and furnish proof that the malt or brewed beverages were so sold.

(d) In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the department shall require [whereupon]

In each of the above cases the department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund.

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royel,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarrat,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C H.,	Hamilton,	McElhiorre,	Stambaugh,
Brunner, P A.,	Hart,	Minn,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,

Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	Van Allsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorofski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Leisey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
For,	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1558, Printer's No. 791, was passed over at the request of Mr. MELCHIORRE.

BILLS ON THIRD READING

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 991, as follows:

An Act to add section 435 to the act approved June second one thousand nine hundred fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing that hospitals institutions physicians surgeons and others furnishing medical dental or nursing services hospital treatment artificial appliances medicines and supplies for which the employer is liable shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 2 That the act of June second one thousand nine hundred and fifteen (P. L. 736) entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" is hereby amended by adding thereto section 435 to read as follows

Section 435 Any hospital institution physician surgeon or other person who has furnished surgical medical dental or nursing services hospital treatment artificial

appliances medicines or supplies for which the employer is made liable under the provisions of this act shall be deemed a party in interest and have standing with the consent of the claimant before the board or any referee designated by the board and the courts of this Commonwealth to present a claim for remuneration for such services hospital treatment artificial appliances medicines and supplies and have the same heard and determined and shall be entitled to receive an award for such remunerations Any such claimant shall be entitled to enforce any such award in the same manner as claimants of compensation are entitled to enforce awards of compensation

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Soilenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, F. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burris,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Munley,	Taylor,
Cochran,	Hering,	Nagel,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Nunemacher,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	O'Brien,	Trout,
Cook,	Hewitt,	O'Connor,	Turner,
Cooper,	Hirsch,	O'Dare,	Van Allsburg,
Cordier,	Holland,	O'Mullen,	Verona,
Corrigan,	Huntley,	O'Neill,	Vincent,
Croop,	Imbrie,	Owens,	Vogt,
Cullen,	James,	Petrosky,	Voldow,
Dalrymple,	Jefferson,	Pettit,	Voorhees,
Dennison,	Jones, G. E.,	Polaski,	Wagner,
DiGenova,	Jones, P. N.,	Polen,	Watkins,
Dix,	Kenehan,	Powers,	Weingartner,
Dolon,	Kline,	Prosen,	Weiss,
D'Ortona,	Knoble,	Rank,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Rausch,	Wilkinson,
Early,	Komorofski,	Readinger,	Williams,
Eckels,	Krise,	Reagan,	Winner,
Elder,	Lee, T. H.,	Reese, D. P.,	Wolf,
Elliott,	Leisey,	Reese, R. E.,	Wood, L. H.,
Ely,	Leonard,	Regan,	Wood, N.,
Falkenstein,	Lesko,	Reynolds,	Woodring,
Finestone,	Levy,	Rhea,	Woodside,
Finnerty,	Leydic,	Riley,	Wright,
Fiss,	Lichtenwalter,	Rooney,	Yeakel,
Fleming,	Longo,	Rose, S.,	Yester,
Fletcher,	Lovett,	Rose, W. E.,	Young,
Flynn,	Lyons,		Kilroy, Speaker
For,	Malloy,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 989, as follows:

An Act to amend section four hundred and eighteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by allowing certain exemptions to be waived in favor of labor unions

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred and eighteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as added by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (P. L. 785) is hereby amended to read as follows

Section 418 Exemption from Execution No policy of group insurance nor the proceeds thereof when paid to any employe or employes thereunder shall be liable to attachment garnishment or other process or to be seized taken appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of such employe or his beneficiary or any other person who may have a right thereunder either before or after payment nor shall the proceeds thereof when not made payable to a named beneficiary constitute a part of the estate of the employe for the payment of his debts Notwithstanding the foregoing provision of this section and of clause (3) of subsection (b) of section four hundred and fifteen of this act a person insured under a group policy issued to a labor union may designate the union as beneficiary or assign his insurance certificate or the rights to the benefits or proceeds of such insurance to the union as pledgee only for the purpose of securing any bona fide advances of moneys made by the union to the person insured

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habyschaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,

Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
D'Genova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Wilkinson,
Eckels,	Komorowski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winner,
Elliott,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Leisey,	Reagan,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Woodside,
Fiss,	Leydic,	Reynolds,	Wright,
Fleming,	Lichtenwalter,	Rhea,	Yeakel,
Fletcher,	Longo,	Riley,	Yester,
Flynn,	Lovett,	Rooney,	Young,
For,	Lyons,	Rose, S.,	Kilroy,
	Malloy,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 722, as follows:

An Act to further amend section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received from monument and memorial purposes and prescribing penalties" by imposing a tax on the privilege of attending such spectacles and repealing former tax

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section twenty-one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing sparring and wrestling matches and exhibitions establishing a State Athletic Commission making an appropriation therefor and appropriating moneys received from monument and memorial purposes and prescribing penalties" as last amended by the act approved the fifth day of June one thousand nine hundred and thirty-seven (P. L. 1698), is hereby further amended to read as follows

Section 21 Payment to State [Every promoter partnership corporation or person holding any boxing sparring or wrestling match or exhibition under this act for which an admission is charged and received shall pay to the Commonwealth five per centum of the total gross receipts exclusive of any Federal taxes paid thereon] A State tax is hereby imposed upon the privilege to attend any boxing sparring or wrestling match or exhibition

under this act for which an admission is charged or received at the rate of one cent (1c) for each twenty cents (20c) or fraction thereof of the established price charged the general public or a limited or selected group thereof by every promoter partnership corporation or person producing such privilege which shall be paid by the person acquiring such privilege This tax shall be collected by such promoter partnership corporation or person and shall be paid over to the Commonwealth of Pennsylvania All political subdivisions are hereby specifically prohibited from levying any such tax and any such tax now existing by virtue of any ordinance or otherwise is hereby specifically repealed and declared inoperative Such payment shall be made within seventy-two hours after the holding of the contest [and shall include payment on the face value of all tickets used including complimentary tickets and tickets] All moneys received from such taxes shall be paid to the State Treasurer through the Department of Revenue

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Gallagher,	Maxwell,	Rosenfeld,
Allmond,	Gerard,	McClanaghan,	Royer,
Baker,	Gillan,	McClester,	Rush,
Balthaser,	Gillette,	McDermott,	Sarge,
Baughner,	Goodwin,	McDowell,	Sarraff,
Bertzell,	Greenwood,	McFall,	Scanlon,
Boles,	Gross,	McGrath,	Schwab,
Boney,	Gryskewicz,	McIntosh,	Serrill,
Boorse,	Gyger,	McKinney,	Shaffer,
Bower,	Habbyshaw,	McLanahan,	Shaw,
Bradley,	Haberlen,	McLane,	Simons,
Breth,	Haines,	McMillen,	Snyder,
Brown,	Hall,	McSurdy,	Sollenberger,
Brunner, C. H.,	Hamilton,	Melchiorre,	Sorg,
Brunner, P. A.,	Hare,	Mihm,	Stambaugh,
Burns,	Harkins,	Modell,	Stank,
Burtis,	Harmuth,	Monks,	Stine,
Cadwalader,	Harris,	Mooney,	Stockham,
Chervenak,	Heatherington,	Moran,	Tarr,
Chudoff,	Helm,	Moul,	Tate,
Cochran,	Koring,	Muir,	Taylor,
Cohen, M. M.,	Herman,	Munley,	Thompson, E. F.,
Cohen, R. E.,	Hersch,	Nagel,	Thompson, R. L.,
Cook,	Hewitt,	Nunemacher,	Trout,
Cooper,	Hirsch,	O'Brien,	Turner,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dixon,	Kilne,	Polen,	Welsh,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winnier,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliott,	Leisey,	Reagan,	Wood, L. H.,
Eiv,	Leonard,	Reese, David P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Reagan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fliss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Lo,	Riley,	Yester,
Fletcher,	Lo,	Roone,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy,
Foor,	Malloy,	Rose, W. E.,	Speaker
French,	Marks,		

NAYS—2

Auker, Van Allsburg,

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1191, as follows:

An Act to further amend clause one of section three of the act approved the 'eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further extending the time for present employees as defined in the act to elect to be covered by the retirement system and providing for payments by and to the funds in such cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause one of section three of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as last amended by the act approved the twelfth day of June one thousand nine hundred and thirty-nine (P. L. 322) is hereby further amended to read as follows

Section 3 An employees' retirement association is hereby organized the membership of which shall consist of the following

1. All present employees including employees in the Pennsylvania Institution for the Instruction of the Blind Overbrook Philadelphia Pennsylvania the Western Pennsylvania Institution for the Blind Pittsburgh, Pennsylvania the Pennsylvania Institution for the Deaf and Dumb Mount Airy Philadelphia Pennsylvania and the Western Pennsylvania Institution for the Instruction of the Deaf and Dumb Wilkesburg Pennsylvania except those specifically excluded by paragraph three of this section who by written application to the Superintendent of Public Instruction shall elect before the first day of July nineteen hundred and [forty] forty-two to be covered by the retirement system Provided That such employee shall at the time of making such application pay into the School Employees' Retirement Fund to the credit of the employees' annuity savings account as provided for in paragraph number six of section eight of this act an amount equal to one-fourth of what would have been at that date the contributions from the salary of such employee had the election to be covered by the retirement system been made prior to the first day of July nineteen hundred and nineteen The balance shall be payable in three annual installments beginning one year after the payment of the first installment Any such employees so electing to be covered by the retirement system shall be entitled to all the rights allowances and benefits provided for all members Provided That the installment payments provided for herein are properly made

Any allowances or benefits becoming payable to such members before all such installments are paid shall first be credited to such member on account of such unpaid installments whether or not any such installment payment is due and payable.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	French,	Marks,	Rosenfeld,
Allmond,	Gallagher,	Maxwell,	Royer,
Auker,	Gerard,	McClanaghan,	Rush,
Baker,	Gillan,	McClester,	Sarge,
Balthaser,	Gillette,	McDermott,	Sarra,
Baughner,	Goodwin,	McDowell,	Scanlon,
Bentzel,	Greenwood,	McFall,	Schwab,
Boles,	Gross,	McGrath,	Serrill,
Boney,	Gryskewicz,	McIntosh,	Shaffer,
Boorse,	Gyger,	McKinney,	Shaw,
Bower,	Habbyshaw,	McLanahan,	Simons,
Bradley,	Haberlen,	McLane,	Snyder,
Breth,	Haines,	McMillen,	Sollenberger,
Brown,	Hall,	McSurdy,	Sorg,
Brunner, C. H.,	Hamilton,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hare,	Mihm,	Stank,
Burns,	Harkins,	Modell,	Stine,
Burriss,	Harmuth,	Monks,	Stockham,
Cadwalader,	Harris,	Mooney,	Tarr,
Chervenak,	Heatherington,	Moran,	Tate,
Chudoff,	Helm,	Moul,	Taylor,
Cochran,	Hering,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Herman,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Hersch,	Nagel,	Trout,
Cook,	Hewitt,	Nunemacher,	Turner,
Cooper,	Hirsch,	O'Brien,	VanAllsburg,
Cordier,	Holland,	O'Connor,	Verona,
Corrigan,	Huntley,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Kenehan,	Polaski,	Weingartner,
Dolon,	Kline,	Polen,	Weiss,
D'Ortona,	Knoble,	Powers,	Welsh, M. J.,
Duffy,	Kolankiewicz,	Prosen,	Wilkinson,
Early,	Komorowski,	Rank,	Williams,
Eckels,	Krise,	Rausch,	Winner,
Elder,	Lee, T. H.,	Readinger,	Wolf,
Elliot,	Lelsey,	Reagan,	Wood, L. H.,
Ely,	Leonard,	Reese, D. P.,	Wood, N.,
Falkenstein,	Lesko,	Reese, R. E.,	Woodring,
Finestone,	Levy,	Regan,	Woodside,
Finnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flynn,	Lyons,	Rose, S.,	Kilroy, Speaker
Foor,	Malloy,	Rose, W. E.,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1679, as follows:

An Act to enable the county commissioners of counties of the fourth fifth and sixth classes to establish by resolution the requirements of responsible bidders for

county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The commissioners of any county of the fourth fifth and sixth classes may by proper resolution require that printing firms who are desirous of presenting bids for county printing shall be required to establish consideration as responsible bidders as follows:

(a) That the printing shall be done within the county.

(b) That the printing firms shall file with the chief clerk of the county commissioners a sworn statement to the effect that employees in the employ of the firm or firms which are to produce such printing are receiving the prevailing wage rate and are working under conditions prevalent in that locality in which the work is produced.

(c) That a collective bargaining agreement shall be in effect between an employer and employees who are represented by a responsible organization which is in no way influenced or controlled by the management.

(d) That in case any dispute arises as to what is the prevailing rate of wages for such work applicable to the contract which cannot be adjusted by the county commissioners the matter shall be referred to the county salary board and its decision thereon shall be conclusive.

Section 2 The provisions of this act shall become effective immediately upon final enactment.

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Malloy,	Rose, W. E.,
Allmond,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gerard,	McClanaghan,	Rush,
Balthaser,	Gillan,	McClester,	Sarge,
Baughner,	Gillette,	McDermott,	Sarra,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McLanahan,	Simons,
Breth,	Heberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burriss,	Harkins,	Modell,	Stine,
Chadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Wilkinson,
Eckels,	Komorowski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winner,
Elliot,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Lelsey,	Reagan,	Wood, L. H.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, N.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
	Levy,	Regan,	Woodside,

Pinnerty,	Leydic,	Reynolds,	Wright,
Fiss,	Lichtenwalter,	Rhea,	Yeakel,
Fleming,	Longo,	Riley,	Yester,
Fletcher,	Lovett,	Rooney,	Young,
Flyn,	Lyons,	Rose, S.,	Kilroy,
			Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1522, as follows:

An Act to further amend sections two hundred five and seven hundred eleven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by creating a Motor Police Trial Board setting forth its powers and duties and regulating the conduct hours of work and compensation of members of the Pennsylvania Motor Police

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Sections two hundred five and seven hundred eleven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards commissions and officers fixing the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant-Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2436) are hereby further amended to read as follows

Section 205 Pennsylvania Motor Police The Pennsylvania Motor Police shall consist of a Commissioner a Deputy Commissioner the State police force and the State Highway Patrol as now authorized by law which are hereby consolidated into one force to be known as the Motor Police Force and such chiefs statisticians clerks experts and other assistants as the commissioner with the approval

of the Governor shall deem necessary for the work of the force

The Commissioner of the Pennsylvania Motor Police shall receive a salary at the rate of eight thousand dollars per annum

The Deputy Commissioner of the Pennsylvania Motor Police shall be appointed by the Commissioner of Pennsylvania Motor Police with the approval of the Governor and shall receive a salary at the rate of seven thousand five hundred dollars per annum

The Motor Police Force shall consist of such number of officers and men and shall be organized in such manner as the Commissioner of Pennsylvania Motor Police with the approval of the Governor shall from time to time determine Provided however That the number of officers and men shall not exceed in the aggregate at any time one thousand six hundred persons

The members of the Motor Police Force and the chiefs statisticians clerks experts and other assistants engaged in the work of the Pennsylvania Motor Police shall be appointed by the commissioner and shall receive such compensation as shall be fixed by the commissioner with the approval of the Governor which compensation shall however conform to the standards established by the Executive Board except that the sum of fifty dollars (\$50.00) shall be allowed each member of the Pennsylvania Motor Police to cover expenses for meals which the said member may incur at any restaurant he may desire while on active duty

Provided however That no member of the Pennsylvania Motor Police shall be required to work more than twelve hours in any one day and such hours of work shall be continuous and not staggered The last two hours of any work day shall be devoted by the members of the Pennsylvania Motor Police to the preparation and dictation of their daily reports to clerks typists or other amanuenses furnished and employed by the Pennsylvania Motor Police

And provided further That no member of the Pennsylvania Motor Police shall be required to perform any maintenance work or janitorial service in or about any barracks station or stables belonging to or leased by the Pennsylvania Motor Police

Section 711 Commissioner of Pennsylvania Motor Police and Motor Police Trial Board The Commissioner of Pennsylvania Motor Police shall be the head and executive officer of the Pennsylvania Motor Police He shall provide for the members of the Motor Police Force suitable uniforms arms equipment and where it is deemed necessary horses or motor vehicles and make rules and regulations subject to the approval of the Governor prescribing qualifications prerequisite to or retention of membership in the force There is hereby created a Motor Police Trial Board consisting of the Lieutenant-Governor the Auditor General and State Treasurer who shall formulate rules and regulations for the enlistment training discipline and conduct of the members of the force for the selection and promotion of such members on the basis of merit for the filing and hearing of charges against such members and such other rules and regulations as are deemed necessary for the control and regulation of the Motor Police Force The commissioner shall maintain a training school to be known as the Pennsylvania Motor Police Training School for the proper instruction of members of the Motor Police Force which shall be situated at such place or places as the commissioner with the approval of the Governor may determine It shall also be the duty of the commissioner to establish local headquarters in various places so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace prevent and detect crime and to police the highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Foor,	Malloy,	Rose, W. E.,
Allmond,	French,	Marks,	Rosenfeld,
Auker,	Gallagher,	Maxwell,	Royer,
Baker,	Gerard,	McClanaghan,	Rush,
Balthaser,	Gillan,	McClester,	Sarge,
Baughner,	Gillette,	McDermott,	Sarra,
Bentzel,	Goodwin,	McDowell,	Scanlon,
Boles,	Greenwood,	McFall,	Schwab,
Boney,	Gross,	McGrath,	Serrill,
Boorse,	Gryskewicz,	McIntosh,	Shaffer,
Bower,	Gyger,	McKinney,	Shaw,
Bradley,	Habbyshaw,	McClanaghan,	Simons,
Breth,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Dolon,	Kenehan,	Polaski,	Weingartner,
D'Ortona,	Kline,	Polen,	Weiss,
Duffy,	Knoble,	Powers,	Welsh, M. J.,
Early,	Kolankiewicz,	Prosen,	Wilkinson,
Eckels,	Komorowski,	Rank,	Williams,
Elder,	Krise,	Rausch,	Winnier,
Elliot,	Lee, T. H.,	Readinger,	Wolf,
Ely,	Leisey,	Reagan,	Wood, N.,
Falkenstein,	Leonard,	Reese, D. P.,	Wood, L. H.,
Finestone,	Lesko,	Reese, R. E.,	Woodring,
Finnerty,	Levy,	Regan,	Woodside,
Fiss,	Leydic,	Reynolds,	Wright,
Fleming,	Lichtenwalter,	Rhea,	Yeakel,
Fletcher,	Longo,	Riley,	Yester,
Flynn,	Lovett,	Rooney,	Young,
	Lyons,	Rose, S.,	Kilroy, Speaker

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1462, entitled:

An Act to regulate the locating drilling casing filling and abandoning of natural gas and petroleum wells on property underlaid with workable coal beds having for its object the protection of life and property by preventing intrusion of oil and gas therefrom into coal mines in territory containing workable coal beds and conferring powers and imposing duties upon the Department of Mines and providing penalties

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. BURNS. Mr. Speaker, I move that this bill be recommitted to the Committee on Mines and Mining for the purpose of further study.

The motion was agreed to.

RESIGNATION FROM CONFERENCE COMMITTEE
ON HOUSE BILL No. 616

The SPEAKER read the following communication:

Mr. Speaker:

6/7/41.

I find that I am unable to meet with the members of the Conference Committee on H. B. 616, and therefore ask to be relieved of my duties with respect thereto and that a substitute member be appointed.

Respectfully,

RUEBEN E. COHEN.

APPOINTMENT TO CONFERENCE COMMITTEE ON
HOUSE BILL No. 616

The SPEAKER. If there is no objection the gentleman (Mr. Reuben E. Cohen) will be relieved from duty on the Conference Committee on House Bill No. 616. The Chair hears none and appoints the gentleman from Philadelphia, Mr. Finestone, as a member of said committee.

RESOLUTION

RECALLING HOUSE BILL No. 1022 FROM THE
GOVERNOR

Mr. HEATHERINGTON offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), That House Bill No. 1022, Printer's No. 640, entitled "An act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended 'An act relating to dogs and the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employees directing the payment of all moneys collected into the State Treasury and providing penalties' permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Bill having been called up from the postponed calendar by Mr. PETROSKY.

The House resumed the consideration on third reading of House Bill No. 814, entitled:

An Act regulating the payment of wages or compensa-

tion for labor or service in certain private employments; establishing regular pay days; imposing certain duties upon employes; conferring powers and duties upon the Department of Labor and Industry and district attorneys; imposing additional powers and duties on the Secretary of the Department of Labor and Industry and district attorneys for the civil collection of wages; imposing civil and criminal penalties for the violations of the act, and providing for their collection and disposition; and repealing inconsistent legislation.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. PETROSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 5 of title, by striking out the words "and district attorneys"

Amend title, page 1, lines 7 and 8 of title, by striking out the words "and district attorneys"

Amend Sec. 2, page 2, line 16 to 22, by striking out the following: "the employer shall pay for serv—" in line 16, all of lines 17 to 21, both inclusive, and the words "the third day of the following month" in line 22 and inserting in lieu thereof: "all wages earned in any pay period shall be paid within seven days after the expiration of said pay period."

Amend Sec. 3, page 3, lines 9 to 11, by striking out the following: "or hear the place of work where" in line 9, and all of lines 10 and 11, and inserting in lieu thereof: "the employer's place of business."

Amend Sec. 3, page 3, lines 12 to 18, both inclusive, by striking out all of said lines.

Amend Sec. 3, page 3, line 19, by striking out the letter "(c)" and inserting in lieu thereof: "(b)".

Amend Sec. 3, page 3, line 20, by striking out the words "or abstract"

Amend Sec. 3, page 3, line 22, by striking out the word "such" and inserting in lieu thereof: "set forth in section eleven hereof."

Amend Sec. 4, page 4, lines 1 to 12, both inclusive, by striking out all of said lines.

Amend Sec. 4, page 4, lines 16 to 20, by striking out the following: "not later than seventy-two" in line 16, and all of lines 17 to 20, both inclusive, and inserting in lieu thereof: "at the next regular pay day of his employer"

Amend Sec. 7, page 5, lines 18 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 7, page 6, lines 1 and 2, by striking out both of said lines.

Amend Sec. 3, page 3, line 20, by striking out the words "8" and inserting in lieu thereof: "7"

Amend Sec. 8, page 6, line 9, by striking out the letter "(a)"

Amend Sec. 8, page 6, lines 18 and 19, by striking out the words "or any "indirect employer" as defined in section seven"

Amend Sec. 8, page 6, lines 19 and 20, by striking out the words "in his opinion the claim is just and valid" and inserting in lieu thereof: "he finds upon investigation that the provisions of this act have been violated"

Amend Sec. 8, page 6, lines 21 to 28, both inclusive, by striking out all of said lines.

Amend Sec. 9, page 7, line 1, by striking out the figure "9" and inserting in lieu thereof: "8"

Amend Sec. 9, page 7, lines 21 to 28, both inclusive, by striking out all of said lines

Amend Sec. 9, page 8, lines 1 to 10, both inclusive, by striking out all of said lines.

Amend Sec. 10, page 8, line 11, by striking out the figure "10" and inserting in lieu thereof: "9"

Amend Sec. 11, page 8, line 20, by striking out the figure "11" and inserting in lieu thereof: "10"

Amend Sec. 11, page 9, line 3, by inserting after the word "thereof" the following: "in summary proceedings"

Amend Sec. 11, page 9, line 5, by striking out the word "fifty" and inserting in lieu thereof: "three hundred"

Amend Sec. 11, page 9, line 7, by striking out the words "or by both such fine and imprisonment"

Amend Sec. 11, page 9, lines 8 to 26, both inclusive, by striking out all of said lines.

Amend Sec. 12, page 9, line 27, by striking out the figure "12" and inserting in lieu thereof: "11"

Amend Sec. 12, page 10, lines 6 to 8, by striking out the following: "without being bound by any of the" in line 6, all of line 7, and the part-word "signments" in line 8.

Amend Sec. 12, page 10, lines 14 to 17, by striking out the following: "The Secretary of the Department" in line 14, and all of lines 15 to 17, both inclusive.

Amend Sec. 13, page 10, line 18, by striking out the figure "13" and inserting in lieu thereof: "12"

Amend Sec. 13, page 11, lines 21 to 25, both inclusive, by striking out all of said lines.

Amend Sec. 13, page 11, line 26, by inserting at the beginning of said line, the following: "(d)"

Amend Sec. 14, page 12, line 6, by striking out the figure "14" and inserting in lieu thereof: "13"

Amend Sec. 15, page 12, line 19, by striking out the figure "15" and inserting in lieu thereof: "14"

Amend Sec. 16, page 12, line 24, by striking out the figure "16" and inserting in lieu thereof: "15."

Amend Sec. 17, page 12, line 26, by striking out the figure "17" and inserting in lieu thereof: "16."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 230, together with the message from the Senate, which was laid on the table may 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 230, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as previously reenacted and amended by continuing the State personal property tax and the emergency rate of

tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 230

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READINGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 234, together with the message from the Senate, which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 234, entitled:

An Act to further amend section one of the act, approved the fifteenth day of July, one thousand eight hundred ninety-seven (P. L. 292), entitled "An act to provide revenue by taxation," by increasing the rate of tax for a further limited period of time.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 234

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READINGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that House Bill No. 663, together with the message from the Senate, which was laid on the table May 29, 1941, be taken from the table.

The motion was agreed to.

The message was read by the Clerk as follows:

SENATE MESSAGE

The Clerk of the Senate being introduced, informed

that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred forty-one; evidenced by tax anticipation notes secured by and payable from current revenues, levied, assessed, collectable, and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on and the repayment of such loans; and making an appropriation.

Mr. ACHTERMAN. Mr. Speaker, I move that the House insist upon its non-concurrence in the Amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, in all of the transfer bills passed during the Special Session of 1940 this House, under the control of the Republicans, along with the Senate and the Governor, pledged to return, during this month of June, the money borrowed from the special funds. During this Session, this House, under the control of the Democrats, along with the Senate and the Governor, pledged the return, during this month of June, of the money borrowed from the special funds. This was a solemn pledge made to the motorists, the firemen, the counties and the municipalities of this Commonwealth. It was made with full knowledge by all parties that in order to carry out this pledge it would be necessary to sell Tax Anticipation Notes and to pass the necessary legislation to enable the Commonwealth to sell these Notes. This is a procedure which is not new, having been adopted by the prior administration and having been carried out by this administration.

The Republican Party has made and is continuing to make every effort to keep this solemn pledge. On March 3 on behalf of the Administration the gentleman, from McKean, Mr. McDowell, introduced House Bill 663. In spite of the fact that I warned the Chairman of the Ways and Means Committee, to which it had been referred, and the Democratic Floor Leader, of the importance of this legislation, it was not finally released from the Committee until May 21st, nor passed by this House until May 22nd. By that time a substantial delay in the selling of the Tax Anticipation Notes was already brought about. The plan of the Administration to accept bids on June 2nd was no longer possible of execution.

The Senate acted upon the bill promptly, having passed it finally on May 28th, only three days after it was received by them. When the bill was before the House it was amended by the Democrats so that the estimated revenues were set forth as \$426,000,000. I pointed out at that time how that amendment would jeopardize the sale of these Notes, and the matter was corrected in the Senate.

The House has failed to concur in the amendments made in the Senate and no action is now being taken. If final action on the bill is not taken today it will be physically impossible to float the Tax Anticipation Notes in time to repay the special funds during the month of

June. It has been suggested that the bill be amended so that it will set forth as the revenues provided, at least \$573,000,000, which is the lower estimate of the taxes already enacted into law. Such amendments I understand has proven satisfactory to the bankers and would enable the sale of the Notes.

The Senate, the Governor and the Minority of this House favor the amendment, but the Democratic leaders of the House will not act. As a result the Democratic Members of this House are wilfully and deliberately violating their solemn pledge to return these funds during the month of June, and by the abuse of their power as a Majority in this House, are preventing the Republican from carrying out this pledge to return the money borrowed from the special funds.

It seems inconceivable that the Democratic Members of this House will insist upon wilfully and deliberately violating this solemn pledge, and will continue to prevent the repayment of these special funds and continue to deprive the firemen, the motorists, the counties and the municipalities from the funds to which they are entitled.

It must be remembered that the failure to pass the Tax Anticipation Note bill not only delays the payment of all special funds but is also delaying the payment of all the deficiency appropriations, including the forest fire fighters and the distressed school districts, and it is delaying the payment to hospitals, to First, Second and Third Class School Districts and to state aided educational institutions.

The people can only conclude that the Democratic leaders are attempting to deliberately wreck the State of Pennsylvania, with the hope that the blame will be placed on the Administration. I do not believe that the people will be fooled.

Mr. ACHTERMAN. Mr. Speaker, this particular measure after conferences has perhaps impressed me more completely of the uncertainty in which the Republican Administration has placed its sponsors and urged the passage of measures before this House. I have not forgotten that only a short time ago the minority leader of this House insisted that the figures which would appear in this bill must be accurate in nature. Since then I find that accuracy is not so greatly needed. I find also that apparently the most important phase of figures in the bill is the fact that the amount of tax legislation that is passed is going to be sufficient to pay back the particular loans floated. However, for some reason or other, for obstinate reasons, or for the purpose of making political capital or for some other reason unknown to myself, the Republican majority in the Senate insisted on substituting figures of their own. I say, Mr. Speaker, if anyone is responsible for the delay at the present time that responsibility rests solely with the Republican Senate. The sole responsibility, Mr. Speaker, the Republican Senate must assume in its present failure to give to the people of Pennsylvania the tax reductions that the Democratic Party is urging.

We have, Mr. Speaker, two indictments. One in which they, for facetious reasons, are causing a failure of the repayment of these borrowings at the present time. Secondly, the constant and wilful refusal to give to the people of Pennsylvania some measure of relief in taxation.

Mr. WOODSIDE. Mr. Speaker, I think there are two

things which the gentleman from Monroe said that ought to be answered. One is the question concerning the amount of estimates of revenue that ought to go into the bill. The gentleman is throwing dust at that and he knows it. As a matter of fact the estimates which were originally contained in the bill, as I pointed out at the time when the bill was on third reading, were the only official estimates available and were the estimates which at that time should have been included. Now, in inserting the amount in here, it is again using the only official estimate, disregarding, of course, the taxes which have not been provided for by law. That matter, as I have pointed out to the gentleman on the other side, was taken up with the bankers and the bankers agreed it would be satisfactory to buy these tax anticipation notes if the bill was amended as it was in the Senate.

Another thing the gentleman said, that the Senate of Pennsylvania must be responsible for the delay in the sale of the tax anticipation notes and in the passage of this bill. Mr. Speaker, this bill was in the possession of the Senate from the first day of the Session to this very hour, three days. Three days, this bill was in the possession of the Senate from the first day that this session opened until this very moment. Yet, Mr. Speaker, the gentleman on the other side has the audacity to say to the people of Pennsylvania that the Senate is responsible for the delay. I think that fact alone indicates to the people of Pennsylvania the deliberate effort on the part of the majority of this House to keep this legislature from carrying out their promise to the firemen, motorists and to the other people from whom the funds were borrowed.

I say to the majority on the other side that this responsibility to the people of Pennsylvania must rest on their shoulders.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 663

The SPEAKER. The Chair appoints as a Committee of Conference on said bill Messrs. ACHTERMAN, READINGER and WINNER.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 507

The Clerk of the Senate being introduced, informed that the Senate insists on its non-concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 507, entitled:

An Act to apportion the State into congressional districts.

And has appointed Messrs. WADE, TAYLOR and MUNDY, a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. ACHTERMAN. Mr. Speaker, I move that the

House insist upon its amendments non-concurred in by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 507

The SPEAKER. The Chair appoints as a committee of Conference on said bill, Messrs. TATE, SHAFFER and BRETHERICK.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION TO ADDRESS HOUSE

Mr. TURNER asked and obtained unanimous consent to address the House.

Mr. Speaker, I had intended to address the House this afternoon on a delay which the Democratic majority had occasioned on certain legislation, and for which I do not think they can escape the responsibility. I realize, however, that we have some important things that we want to do later on and the hour is late. I refer to the failure of the Democratic majority to release from Committee bills pertaining to sabotage, subversive and un-American teachings in our schools.

Therefore, Mr. Speaker, instead of making extended remarks, I am going to ask that my remarks be received and placed in the Journal.

The SPEAKER. The Chair hears no objection and the gentleman's remarks will be extended in the Journal of the House.

EXTENDED REMARKS OF MR. TURNER

Today the United States of America, your country and mine, faces a great crisis. The hour demands patriotic devotion and loyal sacrifice.

To meet this grave situation, to protect our system of free government and to insure to our posterity the liberties which we inherited, we must have a united front.

We are not a united people. There are not only subversive elements in our midst, who have been sent from without to disorganize, delay and confuse our people, but also within our own ranks are misguided and selfish groups who would set up controversies to break our unity, and cause industrial strife to hamper our preparedness.

I did not vote for Franklin D. Roosevelt for President. But he is now my Command-in-Chief. He has and will have my loyal support.

I did not agree with the course he pursued in the period leading up to the outbreak of war. However, that is in the past. My country is now endangered. This is no time to argue as to who started the fire. Our duty is to answer the alarm as a compact unit, with the spirit of teamwork.

The first need of the hour is the production of fighting equipment and engines. We cannot brook delay. What will it profit industry if it gains a dollar only to lose its plants, as they have in Europe? What will it profit labor if it increases wages now only to sink into slavery as they have in Europe? What will it profit our people to lose their country and their liberties while they debate the method to pursue for defense?

Unity cannot be fostered or maintained with illegal strikes. Protection cannot be secured when labor sues its

machines. Defense must fail if the stoppage of work in vital industries is to continue.

This is not a question of the right of labor to strike. It is a question of the right of any man or group of men to set their personal feelings and beliefs above national security.

We too must play our part in promoting national defense and national unity.

This legislature has now been in session over five months. Bills of importance to national defense, national unity, and the preservation of our democratic way of life are buried in Democratically controlled Committees of the House.

In the face of my beliefs that my Democratic colleagues are patriotic Americans, the record shows that the Democratic Party, which is in control of the House, has gone on a "legislative sit-down strike" to prevent the turning of the machinery to pass bills as to sabotage, to prohibit the Communist Party from securing a place upon the ballot, to protect the future citizens of America from the teachings of foreign isms, destructive of the American system of government, and to remove subversive teaching and textbooks from our schools.

In the bills introduced during this session was one having to do with sabotage. The Attorney General of the United States called a conference in Washington last summer, out of which came a group of bills which he requested the Commissions on Interstate Cooperation and the Commissioners on Interstate Crime to present to the respective legislatures and to secure their passage.

Leaders of labor have told me that they are opposed to this measure. They believe that it has in it some elements that may be used against the rights which labor has in recent years secured. They also claim that there has not been and is not likely to be any sabotage.

My answer to those men must be that so long as the Attorney General of the United States, the chief law officers of our Commander-in-Chief, does not withdraw his request for its passage, it is our duty to ignore the requests of any group and to pass this legislation which was carefully drawn by experienced and talented members of the bar.

Against the protest that there has not been and is not likely to be sabotage, I point to the wrecking of foreign ships by their crews, and to the large number of big fires which have occurred in unprecedented number within the last few weeks. I offer this notwithstanding the assertion of the F. B. I. that there was no evidence of sabotage. Such large fires in such great numbers in such short space of time do not occur without cause. The papers this morning carry an account of a fire in a large plant in the South where they are working on defense orders. The President of this concern says it was undoubtedly sabotage.

At large in this country are over 8,000 foreigners who have been ordered deported but who have not as yet actually been sent from the country. Most of those are people with criminal records and many of them have been known as agitators against our government.

House Bill 452 was introduced on February 18th by the gentleman from Montgomery, Mr. Brunner and referred to the Committee on Judiciary Special the same day, and it still rests there.

An identical bill was introduced in the Senate on April 2nd (Senate Bill 491), was passed on May 28th by a vote of

30-17. It was referred to the Committee on Judiciary Special in this House on May 29th, and still rests there.

The Governor in his budget message recommended an appropriation of \$100,000 to the Attorney General for the purpose of investigating and preventing treasonable, seditious and subversive activities against the United States or this Commonwealth. This was likewise recommended by the Pennsylvania Bar Association at its mid-winter conference. On February 18th, House Bill 408 was introduced by the gentleman from Lancaster, Mr. Royer, carrying this appropriation. It was referred to the Committee on Appropriations the same day, and it still rests there.

There was introduced in the Senate on February 11th Senate Bill 172, prohibiting the Communist Party from securing a place upon the ballot. This bill was passed by the Senate on April 8th by a vote of 48-1, and was referred to the House Committee on Elections, on April 10th, where it still rests.

On February 12th, I introduced House Bill 396 amending the Teachers Tenure Act to permit the dismissal of teachers for un-American and subversive teaching. This bill was referred to the Committee on Education on February 17th, and it still rests in that committee.

On the 7th of April, Senator Miller, of Luzerne County, introduced Senate Bill 518, which was passed by the Senate on April 21st by a vote of 48-1. This bill amends the Teachers Tenure Act to include as additional causes for dismissal un-American and subversive activity and membership in a political party prohibited by law. This bill was on the 22nd day of April referred to the Committee on Education, and it still rests there.

It is not important to the maintenance of unity and safety in our communities to have teachers who are sabotaging and boycotting the American way of life and national unity, excluded from our public schools?

Should subversive activities be tolerated and paid for from public funds?

All isms feed as parasites on the youthful and unsuspecting mind. Subversive teaching should be uprooted and eliminated from our schools, and that can only be done by permitting the school boards to discharge teachers who do so.

Just think of it! The American Federation of Labor takes the initiative to revoke the charter of one of its unions in Philadelphia because of subversive activities, because of Communistic leanings, because of an ism that is diametrically opposed to Americanism.

This is not a union of steam fitters, but a union of teachers.

If labor leaders cannot stomach them, why should legislators refuse to give school boards the right to eliminate such teachers from the schools when the acts provide for proper appeal to the courts if this is used improperly?

What is the matter with the school administration in Philadelphia? For almost six years patriotic organizations have been calling the attention of the officials in that city to the prevalence of Communistic and subversive elements in the ranks of its teachers.

The American Federation of Labor could prove that a Union in which some of the teachers were members was infested with Communistic leadership, and yet those responsible for the administration of the system had made no move. Not only is a portion of the teaching staff infected, but I have been reliably informed that employees

of the Department of Public Assistance in that city likewise follow the same sort of leadership.

Again I ask how can we draft the youth of America to prepare to defend our liberties if we allow the seed of disunion, disorganization, and disintegration to be sown among the civilian population, while you who have the instruments at hand with which to disinfect it, fail to do your part.

Is the Democratic leadership so fearful of those pressure groups that it dare not submit this legislation to the membership? Does the Democratic leadership, like Secretary of Labor Perkins, have such a tender feeling for these insects that it would rather risk the destruction of our government by them than to stamp them out?

For America to remain free, she must be strong. To be strong, she must stamp out every agency that would undermine the faith of our people in its government and throw monkey-wrenches into the defense machinery.

The Supreme Court of the United States, the great Unions which represent labor, and public opinion have outlawed sit-down strikes. Will the Democratic leadership now outlaw this legislative sit-down strike?

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, yesterday the special committee of the House and Senate that was appointed by our respective bodies for the purpose of investigating the truth or falsity of certain allegations made by Senator Cavalcante of Fayette County on the floor of the Senate, reported back to this House that Senator Cavalcante had refused and neglected to comply with the request of the Committee as well as to obey the subpoena to appear before the Committee for the purpose of giving testimony. That Committee then asked this House for further instructions.

In pursuance to that thought, and in pursuance to that request I feel that it is mandatory upon this House to give free expression to its thought in relation to the procedure to be followed at the present time. Were the man who refused to obey the subpoena a member of this House, I would say without hesitancy that it was the duty of this House to proceed to the end of enforcing its subpoena. It so happens that in the instant case the member who refused to appear before the Committee is a member of the Senate and consequently I believe and I think the members of this House believe, that it becomes a paramount duty on the part of the Senate to see that senator Cavalcante is duly brought before the Senate to the end that he be made to comply with the subpoena, or upon his failure to do so that proper and fitting punishment be meted out to him.

Mr. Speaker, there is ample law upon the books, sufficient precedents to warrant that particular action. Added to that there are several cases decided by the Supreme Court as well as the authority of this House and the Senate, that the immunity the Senator claims is not available to him, because immunity as a Senator, or as a member of the House for that matter, is confined to only a limited and very restricted field. I believe, Mr. Speaker, therefore, that it is the duty of this House to urge upon the Senate that they, the Senate, proceed immediately and expeditiously to the end that the man who made the charges be brought before the Committee and, Mr. Speaker, I ask consent of the House at this time to present a resolution and I move, Mr. Speaker, for its immediate adoption.

RESOLUTION

INVESTIGATION OF CHARGES MADE IN SENATE

Mr. ACHTERMAN offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was read, considered and adopted:

In the House of Representatives, June 10, 1941.

Whereas, on June 5, pursuant to a resolution adopted by the Senate and House of Representatives, a joint committee was appointed to investigate certain charges made on the floor of the Senate by Senator Anthony Cavalcante; and

Whereas, on June 9, 1941, the committee made the following report, which contained inter alia:

"Inasmuch as the gentleman from Fayette, Mr. Cavalcante, the originator of the charges that a criminal conspiracy to unlawfully affect legislation exists in the General Assembly now in regular session, has failed, neglected, and refused to attend the several meetings of the Joint Committee, which meetings were duly publicized and to the latter of which the said Senator was lawfully subpoenaed;" and

Whereas, in so doing he has ignored and refused to recognize the process of the General Assembly; and

Whereas, in concluding its report, the said joint committee stated:

"The said Joint Committee now reports to the Senate and to the House of Representatives that it will await further instruction and advice of the said respective bodies;" and

Whereas, The above mentioned Anthony Cavalcante is a member of the Senate from Fayette County, and subject to the laws of the Commonwealth of Pennsylvania and the rules of the Senate governing members of that body; now therefore be it

Resolved, (if the Senate concur), That the Senate take immediately such action as shall be necessary to bring the aforesaid Anthony Cavalcante before the bar of the Senate and there instruct him to answer the processes of the said Joint Committee or for such other action as the Senate may prescribe in accordance with the Constitution and the laws of this Commonwealth.

On the question,

Will the House adopt the resolution?

Mr. WOODSIDE. Mr. Speaker, we have been following the practice of not objecting to giving unanimous consent for the consideration of resolutions, particularly those that were presented by the majority floor leader, and I did not want to object to the immediate consideration of this resolution. However, we have here a matter of extreme importance as it relates to the procedure of the House and the Senate in a very important matter. It seems to me to be asked to vote on a resolution of this kind without any further consideration is asking almost too much of the Members of this House.

As I understand it, the Committee appointed to make the investigation reported back and requested further instructions. Now, as I understand the gentleman from Monroe, this resolution is in answer to their request for further instructions, but the resolution is not directed to the members of the Committee, and as I understand, it does not give them any further instructions. Instead we have here in this resolution a suggestion by the House, or a recommendation by this House as to what action the Senate shall take in this matter. It seems to me to be a rather unusual proceedings for one body of the legislature to direct and suggest to another body of the legislature what action the other body of the legislature should

take. I realize, Mr. Speaker, we are in a rather peculiar situation here. We have here a joint committee appointed by a concurrent resolution of both the House and the Senate. I do not know what the technical rights of the committee are in reference to subpoenaing a Member of the Senate. I am not able to debate here at this time the power the House might have over the senator in this case. It would seem to me however from a hasty reading of the section of the constitution which seems to be involved that probably the House of Representatives has no right whatsoever concerning the control of punishment for a senator's failure to answer a subpoena, or for failure to answer all questions which may be put to him in connection with statements he made on the floor of the Senate. I may be wrong about that but offhand that is my opinion in the matter.

It also seems to me that this is a matter that under the constitution is solely in the hands of the Senate, and that the Senator will be compelled to account to the Senate of Pennsylvania for the things he has said.

Therefore, Mr. Speaker, it seems rather strange for the House to tell the Senate what action they shall take in this matter. I did not have an opportunity to read this resolution until it was introduced, I have not been able to study the matter thoroughly, I admit it is a very technical one and it seems to me to be one that ought to receive the earnest consideration of all the Members of the House. For that reason it would be only fair to lay this resolution on the table, for a short time at least, to give the Members an opportunity to consider it. I would suggest that it be laid upon the table until tomorrow to give the Members of the House an opportunity to thoroughly consider this matter and determine whether it is the best procedure under all the circumstances. I do not think in any way the investigation by this committee should be interfered with; I believe it should be carried out, but I do feel that it is important to this House in establishing a procedure which may be followed in the future to do it the right way, the way the Constitution provides, the way the rules of this House provide and the way that is best in an orderly governmental manner.

Therefore, Mr. Speaker, I am going to suggest to the gentleman on the other side that he permit this resolution to be laid on the table until tomorrow so that all of the Members of this body may have an opportunity to carefully read it and consider the various technical angles involved.

Mr. ACHTERMAN. Mr. Speaker, may I state for the information of the minority leader and the Members of the House that the committee itself was appointed by the two houses and has the power to issue subpoenas, but it does not have the power to enforce them. I believe that an examination of the Constitution and the rules under which this House and the Senate both operate and the authorities stated in Jefferson's Manual will clearly and definitely disclose that the place for the enforcement of the subpoena in the instant case is in the Senate.

It has been stated by the gentleman that this is an extraordinary proceeding on the part of this House in reply to the request of the committee for further instructions. True, we might have said to the committee, "You present a motion or resolution to the Senate,—to the Senate members," but we feel that this is an extraordinary case. It must not be forgotten that Senator

Cavalcante made direct accusations against a specific Member of this House. That Member has a right to have his name cleared, and Senator Cavalcante has no right to refuse to go before the Committee and disclose what information he may have as to that particular Member of this House. If he was talking loosely we have a right to know; if he has information that the man has done what he claims he did, then certainly it is the duty of this House to proceed. Senator Cavalcante has no right to refuse the subpoena of the committee in a matter of as great importance as this, and this House cannot sit idly by and permit the Senate to conduct itself in the manner it did last evening. For what purpose? It is difficult to say. It is quite evident, however, that they had no desire to have the Senator testify.

I might say Mr. Speaker, that the integrity of this House has been attacked. This House should move in so far as it can move, and it should petition, so far as it can petition, the Senate, that it, the Senate, lend its help, every help, every aid, so that the matter can be thoroughly investigated, and no individual Senator or group of Senators has the right to deny that request. They have no right, Mr. Speaker, to say to the people of Pennsylvania, "We will protect this Senator who has made the accusations and allow members to sit in the House and Senate who, if the information were handed out, would be denied their seats," or be in a position to say, "Here is a Senator who in an irresponsible moment, without any thought of what he was doing to the reputation of an honorable and honest man, with no thought of anyone else but himself, made those statements in the Senate which can not help but be roundly condemned."

Under those conditions, I feel that this House should not delay, that the honor and integrity of this House are of paramount importance and that we should move promptly for their protection.

Mr. WOODSIDE. Mr. Speaker, there are many things which the gentleman on the other side has said with which I agree. I think his statement that the matter of punishment is entirely within the hands of the Senate is a correct statement of the law; at least that has been my understanding of it. I agree with the gentleman further that any charges made against any Member of this House, as there apparently was, ought to be thoroughly investigated and that the Member of this House has the right to insist upon a thorough investigation. I do not say this in opposition to this resolution necessarily, because frankly after careful consideration of all the angles of the matter, it might be that we would be very anxious to support this very resolution. I cannot say that, but it occurs to me at the present time, however, that the procedure is rather strange to have the House tell the Senate exactly how to proceed in this matter. It seems to me that that is what is being done.

There is another matter that immediately arises in my mind. The gentleman says that the House has a right to suggest to the Senate. Maybe we do have a right to pass a resolution suggesting to the Senate that it is the consensus of opinion of this House that such a thing ought to be done. I think inasmuch as one of our Members is involved and specifically named in connection with the charges, that probably the House might properly pass some sort of a resolution making some recommendation to the Senate. I do not say that is true or not true. It seems to me it is a matter that may be worthy of serious con-

sideration; but as I understand this resolution, it is a concurrent resolution, and we have the still stranger situation of the House and the Senate passing a resolution directing the Senate what to do in this particular matter.

The whole thing seems to me to be not thoroughly thought out. That is the reason I am not asking anybody to vote against this resolution, but I am merely asking the gentleman on the other side to give us a little time to consider the resolution, time to look into some of the questions of procedure involved and to give the matter careful consideration. I am not speaking against the resolution, I am only asking, due to the fact that it is a strange procedure, and we do not have any previous cases of this kind to my recollection, that therefore we ought to be careful that we are proceeding in the right manner, and we ought to have time to give it consideration.

MOTION TO LAY ON TABLE.

Mr. WOODSIDE. Mr. Speaker, I move to lay the resolution on the table, and I ask the gentleman on the other side whether he will kindly go along on this motion.

POINT OF ORDER

Mr. BROWN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. Brown. Mr. Speaker, it is permissible to ask the maker of the motion to withdraw his motion for a brief moment?

The SPEAKER. Will the gentleman from Dauphin withdraw his motion?

Mr. WOODSIDE. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Dauphin withdraws his motion.

Mr. BROWN. Mr. Speaker, this is an important resolution and a most extraordinary procedure. I think we ought to be right, or as nearly right as we can possibly be, in a matter of this kind. There are doubts in the minds of some of us as to the procedure that has been followed thus far. Of course, when we act under pressure and act hastily in matters that are as basic as this one is we are liable to make mistakes, although we intend to do the proper thing. The thought that occurred to me when hearing the resolution read, and of course I had to catch it hastily as the clerk read it, was that the resolution is not in proper form because it is a concurrent resolution in which we are asking the Senate to do something, and then we must get their consent before they can concur in the resolution.

Mr. Speaker. I desire to interrogate the gentleman from Monroe, Mr. Achterman the majority floor leader.

The SPEAKER. Will the gentleman from Monroe permit himself to be interrogated?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. BROWN. Mr. Speaker, this, as I understand it, is a concurrent resolution; is that correct?

Mr. ACHTERMAN. That is correct, Mr. Speaker.

Mr. BROWN. Mr. Speaker, does not the gentleman from Monroe feel that the request we make would be proper and in better form if it were a resolution of the House rather than a concurrent resolution?

Mr. ACHTERMAN. Not necessarily so, Mr. Speaker. I have no doubt that a resolution adopted by the House

that is not concurrent would be proper, but to say that is the only proper course would be begging the point. If we had not had the extraordinary proceeding that occurred on the Senate floor last night I would say that undoubtedly a resolution from this House would have been the better course to pursue, but it became so evident to me and I think to everyone who listened, that the Senate is not as desirous of proceeding with the investigation as it once was. I feel, Mr. Speaker, under those conditions that we should have an expression from the Senate, and that expression can best be procured through a concurrent resolution.

Mr. BROWN. Mr. Speaker, would the gentleman from Monroe be willing to amend this resolution so that it would be a House resolution rather than a concurrent resolution? Of course, I ask that for this reason, we are not all familiar with what happened on the floor of the Senate last night and I do see where it is of any major concern to have a request coming from this House. I do not think we have any right to put in a resolution of this kind asking the Senate to bind itself to something which they have already failed to do, if I understand the remarks of the gentleman from Monroe, Mr. Achterman.

Mr. ACHTERMAN. Mr. Speaker, I cannot agree with the suggestion of the gentleman from Allegheny to amend this resolution to make it only a House resolution. Perhaps the excuse of the Senate might be that there was some doubt as to the method of procedure against the Senator when he refused to testify and ignored the subpoena. However, the method is clear and there should be no doubt about it. They have had now about twenty-four hours to consider the fiasco of last evening and I think this particular resolution in concurrent form is going to crystalize the subject in the Senate. I believe a House resolution alone would be received and spread upon the minutes and that would be the end of it.

Mr. BROWN. Mr. Speaker, will the gentleman tell me whether or not I am correct in saying that the gist of this resolution is that the House is asking the Senate to utilize all of its Constitutional powers to compel the attendance of Senator Cavalcante at the meeting of the Joint Committee, is that correct?

Mr. ACHTERMAN. Mr. Speaker, that is concretely correct, yes.

Mr. BROWN. Mr. Speaker, is that the only purpose of the resolution?

Mr. ACHTERMAN. That is the purpose, to place the Senate on notice that this House feel it is the Senate's duty to proceed, and the additional reason they exercise their constitutional rights and powers.

Mr. BROWN. Mr. Speaker, I thank the gentleman from Monroe.

It may be that haste is necessary in this matter. I imagine the majority floor leader has had more chance to study this question than any of us. I do not think any of us knew that such a resolution was going to be presented. It seems to me this procedure is not the proper one at this time. If I understand this resolution, we are asking the Senate to utilize its powers, and I presume that means the powers given to it under Article 2, section 11 of the Constitution, which provides that each House shall be the judge of the conduct of each of its members. It does seem to me from a first reading and from a very hasty perusal of the resolution that the better procedure would be that we simply ask the Senate

to utilize its powers, rather than have the Senate join in a resolution powers which I do not think we can join in a joint resolution. I may be wrong, but I think we ought to be right in this matter. If there is any question about it, we should be sure we are right. In a question so unusual as this one, our procedure which may be a precedent, should be established with caution, and after all the knowledge that can be brought to the question has been brought into view.

Mr. Speaker, whether or not the gentleman from Monroe will agree to lay the resolution on the table or amend the resolution is a question solely with him, but I think we ought to have some little opportunity to see whether or not our procedure is right and unless that opportunity is granted I for one intend to vote against the resolution.

Mr. WOODSIDE. Mr. Speaker, I move that the resolution be laid upon the table.

On the question,

Will the House agree to the motion?

Mr. WOODSIDE. Mr. Speaker, may I say with reference to remarks of the gentleman from Allegheny, Mr. Brown, not only as to the time that we should have to consider a resolution of this kind, but also in reference to the fact that we had to gather what was in the resolution from merely hearing it read, I think indicates all the more reason why in fairness to all the Members, this resolution should be laid upon the table temporarily.

I feel I have had an advantage over the other Members of this House, because the majority floor leader very kindly and graciously gave me a copy of the resolution and I and two or three around me in the corner here had an opportunity to follow it as it was read by the Clerk, but the rest of the Members of the House on both sides have not had an opportunity to examine it. I am sure many of them would be interested; many of them might have some constructive suggestions concerning the proper procedure. For that reason it seems to me, in fairness to the Members on both sides, the gentleman should not object to the motion to lay on the table until tomorrow.

Mr. ACHTERMAN. Mr. Speaker, both speakers in asking that the resolution be laid upon the table, apparently have lost sight of the fact that this is purely an expression of thought on the part of the House to the Senate. It represents in no manner a proceeding by the House against the Senator who failed to comply with the subpoena. It is our expression to the Senate solely. The question as to whether we can or cannot express ourselves to the end that we ask the Senate to proceed properly and expeditiously, does that need consideration? Does it need consideration that the honor and integrity of this House should be protected? I am at a loss to understand what the gentleman means. In fact that is all this resolution is doing; it is saying to the Senate, "proceed promptly to investigate these charges." If men are stating things they have no right to say, we want to know it. If men have been charged falsely, then they should be cleared. No one should be permitted to tear down someone's name. This resolution is not a proceeding against the Senator, but is only an expression on the part of the House to the Senate. The question whether this proceeding is in order or not certainly does not enter into the problem at all. It is solely in the form of adopting a resolution asking the Senate to act. Under those conditions I cannot agree with the motion of the

gentleman from Dauphin, nor can I accede to the remarks of the gentleman from Allegheny.

Mr. WOODSIDE. Mr. Speaker, I do not wish to prolong this debate, but at the same time it seems to me after what the gentleman from Allegheny, Mr. Brown, has said he thought was in the resolution, what the gentleman from Monroe, Mr. Achterman, himself says is in the resolution, and what appears to me from reading it is in the resolution, appear to be three different things, and that is all the more reason, I believe, why it seems to be important at this time to lay this resolution on the table.

PARLIAMENTARY INQUIRY

Mr. WOODSIDE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Dauphin will state his question of parliamentary inquiry.

Mr. WOODSIDE. Mr. Speaker, if the motion should be carried to lay the resolution on the table, would the resolution be printed for the use of the Members tomorrow?

The SPEAKER. If the resolution is laid on the table it would not have been referred to a committee under the rules and it could be printed by the direction of the House only.

Mr. WOODSIDE. Mr. Speaker, it seems to me by all means the resolution should be printed, and if my motion to lay it on the table prevails, I certainly will follow it up with a motion to have the resolution printed, because I do not think it would be of much advantage to lay it on the table if the resolution were not printed.

I shall not attempt to repeat what the gentleman from Monroe said, but I think if you would put side by side what actually is in the resolution and his explanation of what the resolution contains, you will find they are not exactly in accord. I do not mean he is attempting to misrepresent the intent of the resolution, but his understanding of what is in it and what appears to me to be in it are entirely two different things. I do not think any of us can have an exact knowledge of what is in the resolution unless we have an opportunity to take it, read it and study it. For that reason I think this resolution ought to be laid on the table, and a motion ought to be made and carried by this House to have it printed so that in the morning all the Members of this House may have the printed resolution before them to pass upon it.

On the question recurring,

Will the House agree to the motion?

It was not agreed to.

On the question recurring,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 124:

An Act to amend the title and the act approved the twenty-eighth day of April one thousand nine hundred and thirty-seven (P. L. 417) entitled "An act relating to

milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations" by adding the term "handler" as a synonym for the term "milk dealer" defining the terms "handle" and "handler" extending the provisions of the act to those who handle milk by bailment brokerage consignment or purchase authorizing special agents or examiners to conduct hearings on behalf of the commission enabling certain officers employees and agents to administer oaths providing the method and effect of service of certain orders and the posting of rules regulations and certain orders enabling employees of the commission to photograph photostat mark or stamp for identification books and papers that they have inspected providing for action with milk control agencies of other states and of the United States in holding hearings and promulgating and enforcing orders requiring milk dealers or handlers to be licensed stating grounds for refusal suspension revocation of licenses or the right to apply for a license or for refusal to transfer licenses stating the effect of service by registered mail when the addressee refuses to accept or receive such mail enlarging requirements of milk dealer or handlers to file bonds to secure payment to producers and certain milk dealers or handlers prescribing the effective date and term of such bonds and providing for their release providing for the increase or decrease of the amounts of bonds prescribing the effect of orders and findings of fact of the commission relating to licenses in suits on bonds providing for payment to those entitled thereto of moneys in the hands of the commission owing to milk dealers or handlers or producers increasing the scope of regulation of subdealers making certain information available to cooperatives and producers' groups clarifying the requisites of orders fixing prices for milk providing for the competency of certain statistical testimony and data providing that all provisions of price-fixing orders shall be presumed valid and placing the burden of proving invalidity or partial invalidity of any order defining violations of orders of the commission fixing prices making milk dealers or handlers responsible for acts of directors officers agents or other persons acting for or on behalf of them giving certain additional rights to cooperatives and producers' and farmers' unions or organizations of producers of milk further regulating and imposing duties on milk dealers or handlers setting up a price fixing procedure restricting powers of the Governor prescribing procedure on appeal from orders of the commission further defining and prescribing penalties defenses rights and remedies and providing for the payment of

funds in the hands of the commission owing to producers and handlers

HOUSE BILL No. 382.

An Act authorizing political subdivisions to appropriate money for participation in Federal Surplus Commodities Stamp plans to borrow money and issue bonds for said purpose, providing for payment of such appropriations into a special fund in the State Treasury appropriating the money in such fund and authorizing the purchase of necessary insurance

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 230

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 230, entitled:

An Act to reenact and amend the title and the act approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation," as previously reenacted and amended by continuing the State personal property tax and the emergency rate of tax on scrip bonds certificates and evidences of indebtedness assumed or on which interest is paid by corporations for a further limited period of time exempting casualty insurance corporations not having capital stock and relieving life insurance corporations from the duty of reporting and paying tax under section seventeen of said act.

And has appointed Messrs. Heyburn, Edmonds and Shapiro a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 234

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 234, entitled:

An Act to further amend section one of the act approved the fifteenth day of July one thousand eight hundred ninety-seven (P. L. 292) entitled "An act to provide revenue by taxation" by increasing the rate of tax for a further limited period of time.

And has appointed Messrs. Heyburn, Edmonds and Shapiro a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 663

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurring in by the House of Representatives, to House Bill No. 663, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred forty-one evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation.

And has appointed Messrs. Heyburn, Edmonds, and Shapiro, a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

BILLS INTRODUCED AND REFERRED

By Messrs. BAKER and LEONARD.

HOUSE BILL No. 1833.

An Act to amend section five of the act, approved the twenty-ninth day of September, one thousand nine hundred thirty-eight (P. L. 53), entitled "An act relating to institutions of counties, cities, and institution districts for the care, maintenance and treatment of mental patients; providing for the transfer of such institutions to the Commonwealth; providing for the management and operation or closing and abandonment thereof, and the maintenance of mental patients therein, including the collection of maintenance in certain cases; providing for the retransfer of certain property to institution districts under certain circumstances; conferring and imposing upon the Governor, the Department of Welfare, the courts of common pleas and counties, cities and institution districts certain powers and duties; prohibiting cities, counties and institution districts from maintaining and operating institutions, in whole or in part for the care and treatment of mental patients; and repealing inconsistent laws," by further prescribing certain rights of employes and officers of institutions acquired by the Commonwealth.

Referred to the Committee on Counties.

By Mr. McLANAHAN.

HOUSE BILL No. 1834.

An Act requiring labels giving certain information as to the contents, to be affixed to every container used for the sale of fermented malt or brewed beverages; and prescribing penalties.

Referred to the Committee on Liquor Control.

By Messrs. LLOYD H. WOOD and STANK.

HOUSE BILL No. 1835.

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America; providing for its appointment; prescribing its powers and duties; and authorizing the use by the committee of the employes, equipment, supplies and facilities of certain State agencies.

Referred to the Committee on Highways.

By Messrs. MODELL and DALRYMPLE.

HOUSE BILL No. 1836.

An Act prohibiting State and local governmental officers, agents and agencies from accepting, filing and approving certain plans and specifications for buildings, works and improvements, and from issuing or granting permits pursuant thereto unless such plans and specifications are signed by a person legally qualified to prepare the same.

Referred to the Committee on State Government.

By Mr. MODELL.

HOUSE BILL No. 1837.

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle;" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Referred to the Committee on Public Utilities.

By Messrs. HARKINS and BOIES.

HOUSE BILL No. 1838.

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway; and conferring certain powers upon the Department of Highways.

Referred to the Committee on Appropriations.

By Messrs. BAKER and LEONARD.

HOUSE BILL No. 1839.

An Act to further amend clauses nine and ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees; defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," by extending the definitions of original and new employees to include certain State employees, and conferring certain rights and duties on such employees.

Referred to the Committee on State Government.

BILLS ON THIRD READING

Mr. STANK asked and obtained unanimous consent to call up out of order House Bill No. 1432, Printer's No. 848, on page 21 of today's Calendar, and House Bills Nos. 1705, Printer's No. 849, and 1431, Printer's No. 850, on page 22. of today's Calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1432, entitled:

An Act to further amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by changing certain routes and adding certain new routes.

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 5, insert between lines 27 and 28 the following: "Beginning at a point on the line dividing Penn Township and the City of Pittsburgh, Allegheny County; thence over Allegheny River Boulevard to its intersection with Washington Boulevard in the City of Pittsburgh; thence over Washington Boulevard and Fifth Avenue Extension to the intersection of Penn Avenue and Fifth Avenue in the City of Pittsburgh; thence over Penn Avenue to its intersection with Dallas Avenue; being a distance of three miles more or less.

Beginning at a point at the intersection of Ohio Street Pittsburgh, Baldwin and Mifflin Townships; thence in a general northerly direction over East Street and Evergreen Road to the line dividing the City of Pittsburgh and Ross Township on State Highway Route No. 805; being 3.5 miles more or less in length.

Beginning at a point on the line dividing the City of Pittsburgh, Baldwin and Mifflin Townships; thence in a general northerly direction over Streets Run Road to an intersection with State Highway Route No. 376 in the City of Pittsburgh; being one mile more or less in length in the City of Pittsburgh.

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1705, entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787), entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth," by changing certain routes and adding certain new routes

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Sec. 1, page 1, lines 1 and 2, by striking out the words "Route six hundred and seventy-eight" and inserting in lieu thereof: "The following routes".

Amend Sec. 1, page 2, line 1, by striking out the word "is" and inserting in lieu thereof: "are".

Amend Sec. 1, page 2, by inserting between lines 2 and 3, the following: "Route number six hundred and seventy-seven. Beginning at Hulton Improved Road at or near Oakmont Country Club, Allegheny County; thence in a northeasterly direction to the Logans Ferry Improved Road at or near the Logans Ferry Railroad Station; thence over Logans Ferry Improved Road to the line dividing Allegheny County and Westmoreland County.

Amend Sec. 2, page 3, by inserting between lines 17 and 18, the following:

Route 763. Beginning at the intersection of State Highway Route 72 and the Bakerstown and Culmerville Road at or near the village of Bakerstown, Allegheny County; thence extending in a general easterly direction over the improved Bakerstown and Culmerville Road and Millerstown and Culmerville Road to its intersection

with State Highway Route 388 at the village of Millers-town, Allegheny County.

Route 764. Beginning at the line dividing the Borough of Leetsdale in Leet Township in Allegheny County; thence in a general northeasterly direction over Big Sewickley Creek Road in Allegheny County and Beaver County; thence over State Highway Routes Application 3754 and 3755 to the Warrendale and Bayne Road; thence over the Warrendale and Bayne Road to its intersection with State Highway Route 246 in the village of Warrendale, Allegheny County.

Route 765. Beginning at the intersection of State Highway Route 76 and the Stoops Ferry and Shousetown Road; thence in a general northwesterly direction over the Stoops Ferry and Shousetown Road to the line dividing Allegheny County and Beaver County at State Highway Route Application 4247.

Route 766. Beginning at the intersection of State Highway Route 802 and Cochran Road in Allegheny County; thence in a general southeasterly direction over Cochran Road to its intersection with State Highway Route 803 in Allegheny County."

Route 767. Beginning at the intersection of State Highway Route 803 and Castle Shannon Boulevard; thence in a general southeasterly direction over Castle Shannon Boulevard to the line dividing Mt. Lebanon Township and Castle Shannon Borough in the vicinity of State Highway Route 247.

Route 768. Beginning at a point on State Highway Route 330 at the village of Miller's Grove, Allegheny County; thence in a general northeasterly direction over Streets Run Road to the line dividing Baldwin Township and the City of Pittsburgh.

Route 769. Beginning at a point at the intersection of State Highway Route 736 and the New England Road in Allegheny County; thence in a general northwesterly direction over the New England Road to an intersection with State Highway Route 02074.

Route 770. Beginning at the intersection of State Highway Route 120 and State Highway Route 377 in Allegheny County; thence in a general northerly direction over Moss Side Boulevard to the line dividing North Versailles Township and Wall Borough; commencing at the line dividing North Versailles Township and Wall Borough; thence in a general northeasterly direction over Moss Side Boulevard to its intersection with State Highway Route 639, Allegheny County.

Route 771. Beginning at the line dividing Penn Township and Verona Borough; thence in a general southerly and westerly direction over Allegheny River Boulevard to the line dividing Penn Township and the City of Pittsburgh, Allegheny County.

Route 772. Beginning at the line dividing the Borough of Elizabeth and Forward Township in Allegheny County; thence over the Elizabeth Road, Lock No. 3 and Elkhorn Road, and Elkhorn and Monongahela Road to the intersection of State Highway Route 181 and State Highway Route 394.

Amend Sec. 2, page 3, line 18, by striking out the figures "733" and inserting in lieu thereof: "773".

Amend Sec. 2, page 3, line 23, by striking out the figures "764" and inserting in lieu thereof: "774".

Amend Sec. 2, page 4, line 5, by striking out the figures "753" and inserting in lieu thereof: "775".

Amend Sec. 2, page 4, line 12, by striking out the figures "769" and inserting in lieu thereof: "776".

Amend Sec. 2, page 4, line 20, by striking out the figures "767" and inserting in lieu thereof: "777".

Amend Sec. 2, page 5, line 12, by striking out the figures "768" and inserting in lieu thereof: "778".

Amend Sec. 2, page 5, line 19, by striking out the figures "763" and inserting in lieu thereof: "779".

Amend Sec. 2, page 5, line 24, by striking out the figures "776" and inserting in lieu thereof: "780".

Amend Sec. 2, page 6, line 4, by striking out the figures "771" and inserting in lieu thereof: "781".

Amend Sec. 2, page 6, line 11, by striking out the figures "772" and inserting in lieu thereof: "782".

Amend Sec. 2, page 6, line 17, by striking out the figures "773" and inserting in lieu thereof: "783".

Amend Sec. 2, page 6, line 23, by striking out the figures "774" and inserting in lieu thereof: "784".

Amend Sec. 2, page 7, line 4, by striking out the figures "775" and inserting in lieu thereof: "785".

Amend Sec. 2, page 7, line 12, by striking out the figures "776" and inserting in lieu thereof: "786".

Amend Sec. 2, page 7, line 20, by striking out the figures "777" and inserting in lieu thereof: "787".

Amend Sec. 2, page 7, line 26, by striking out the figures "778" and inserting in lieu thereof: "788".

Amend Sec. 2, page 8, line 3, by striking out the figures "779" and inserting in lieu thereof: "789".

Amend Sec. 2, page 8, line 10, by striking out the figures "780" and inserting in lieu thereof: "790".

Amend Sec. 2, page 8, line 18, by striking out the figures "781" and inserting in lieu thereof: "791".

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1431, entitled:

A Act to further amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, page 2, to insert between lines 12 and 13 the following: "Wall and Wilmerding Boroughs Beginning at a point at the intersection of Wall Avenue and Moss Side Boulevard in the Borough of Wall; thence in a general westerly direction over Wall Avenue to its intersection with the Wilmerding-East McKeesport Road in Wilmerding and Wall Boroughs; being a distance of 1½ miles"

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered. That the bill as amended lie over for printing.

PERMISSION TO ADDRESS HOUSE

Mr. SHAW asked and obtained unanimous consent to address the House.

Mr. Speaker, the chairman of a committee has certain very definite duties, among them being the duty of presenting to his committee the bills which are in his opinion the best which have been submitted. From the beginning of this session there have been introduced in this House and referred to the Committee on Welfare a number of bills covering the question of the bond that has been required to be signed by all of those needing assistance.

On February third there was introduced in this House, House Bill 174, sponsored by Messrs. Schwab and Malloy. On May first the Welfare Committee reported that bill out as committed. The bill was passed finally and sent to the Senate on the twelfth of May. I am now informed in a daily paper published in Scranton, Pennsylvania that the gentleman from Scranton, Mr. Regan, made rather serious accusations against the Chairman of the Welfare Committee, among them being the statement that the chairman of the Welfare Committee was keeping in that Committee bills which referred to the bond matter and was refusing to allow those bills to come out and, therefore was no friend of the poor.

May I call the attention of the Members of the House to the fact that House Bill 174, dealing with the bond matter, was passed on the twelfth of May and that on page 2132 of the Legislative Journal it is recorded that this bill passed finally by a vote of 193 to nothing, and that the gentleman from Lackawanna, Mr. Regan, who made the statement to the newspaper, is not recorded as voting. I thank you.

QUESTION OF PERSONAL PRIVILEGE

Mr. REGAN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Lackawanna will state his question of personal privilege.

Mr. REGAN. Mr. Speaker, the chairman of the Welfare Committee has stated the duties of the Welfare Committee or any other committee that he may be chairman of, but he did not say that the members of the committee may have some rights too. He did not tell you that one member of the committee had many conferences with that same gentleman from Allegheny, Mr. Shaw, relative to such legislation. He did not dare reveal anything like that and I do not take back what I said in the newspaper by any means. There is no need for any resolution to be introduced on investigate what I said. If I am to be brought before the bar of this House to answer any charges that he may hurl relative to those accusations that I supposedly made, then I say, Mr. Speaker, that we both could be brought up there, and if there is any apology needed then I say very frankly as a man that there is only one apology I need to make, and that is being a member of the committee, I have revealed anything that happened in the committee. If I am wrong about that, I am more of a man than he is, and I apologize.

The SPEAKER. Personal reflections are out of order.

Mr. REGAN. That may be true but he won't cast any either, Mr. Speaker.

Mr. SHAW. Mr. Speaker, I desire to interrogate the gentleman from Lackawanna, Mr. Regan.

The SPEAKER. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. REGAN. Mr. Speaker, I certainly will not.

The SPEAKER. The gentleman from Lackawanna refuses to be interrogated.

Mr. SHAW. Well, Mr. Speaker, may I call your attention to the fact that all of the bills dealing with the bond matter that have been referred to the Welfare Committee, the gentleman from Lackawanna has not sponsored one of them. When I spoke with him today on the floor of the House with respect to the article appearing in his home town newspaper, he said that he didn't know that the bill had passed. The bill was passed on the twelfth day of May, as I stated, and the article or the information was given to his home paper presumably around the fourth or fifth of June. So I would suggest to the gentleman that possibly he might read the legislative history and be a trifle more conversant with the history of the bills before he makes wild accusations.

PERMISSION TO ADDRESS HOUSE

Mr. HOLLAND asked and obtained unanimous consent to address the House.

In four General Sessions and one Special Session of the Legislature I have introduced bills to correct an evil existing in local taxation of real estate—the exemption of Utility properties from real estate taxes. And, for the benefit of the new members who may not know the story behind this exemption, I want to cover briefly why this privilege is enjoyed by the Utilities of Pennsylvania.

The power to tax is the power of the Legislature. This exemption was not granted to the Utilities by the Legislature—but—it is enjoyed due to a decision made by the Supreme Court away back in 1825 when public utilities were individually owned and were not merely a "link" in the great holding chains of utilities that exist today. The Supreme Court stated:

"The power to tax includes the power to sell for non-payment of taxes and thus the property of a public corporation, without which it could not perform its duty to the public, could be sold piecemeal and the corporate purpose be defeated by divesting the title to certain portions of the real estate against which tax liens were filed."

Therefore, to offset this ruling of the Supreme Court it will be necessary for the State Legislature to pass a specific Act to tax the real estate of the Utilities.

This decision of the Supreme Court contradicts another decision made by the same Court in relation to tax exempt properties. The Court's remarks in this case are as follows:

"Taxes are not penalties, but are contributions which all inhabitants are expected to make and may be compelled to make for the support of the manifold activities of governmental protection. Such protection costs money. When any inhabitant fails to contribute his share of the costs of this protection some other inhabitant must contribute more than his fair share of that cost."

Now, before proceeding any farther, I want to impress upon the minds of the Members of this House that the State of Pennsylvania is the only State of the entire forty-eight which does not tax the real estate of the Utilities the same as all other real estate is taxed. House Bill No. 67, introduced by me the first day of this Session,

merely puts Pennsylvania in step with all of her sister States.

According to a report made by the Secretary of Internal Affairs for the year 1937, \$230,641,066.00's worth of real estate owned by Public Utilities is exempt from paying their just share of real estate taxes. Now, in arguing why these properties should be taxed I am not going to use any of my own arguments, but am going to quote the words of men whose decisions are taken as authoritative.

I will start at home and will quote from the now present Budget Controller Dr. Logan—whose words of wisdom on taxation are accepted by the Republican members of this House. On page 16, of Dr. Logan's book on "Taxation of Real Property in Pennsylvania," he states:

"Utilities receive the same police, fire, sewage, highway, sanitary and other protection and services as other real estate in the same community. These local districts which render greater service to the Utilities than the State receive no contribution toward the maintenance of these services."

On page 17, Dr. Logan is very definite in pointing out that Pennsylvania is the only State where the Utilities do not share their burden of local taxation and he can be quoted as follows:

"The States included in the study have taken steps to reduce the burden of exemption. All these States tax the real property of Public Utilities for the defraying of local governmental expense. Such actual practice on the part of other states refutes the ruling of the Courts of Pennsylvania and the contention of the Utilities that to allow such properties to be assessed and taxed for local benefit would be opening the door to destruction of public service through tax sales by local governments for unpaid Utility taxes."

Again on page 16, of this same book, Dr. Logan states very emphatically his stand on this matter when he says:

"The exemption of the real estate of Public Utilities from local taxation shifts a heavy burden of taxation to other taxpayers."

Now, let us go to the arguments used by the Utilities themselves in the Public Hearings in Washington against the T.V.A. In reporting these Hearings, B. C. Forbes—the financial writer who owns and edits the "Forbes" magazine—states:

"One upshot apparently was unforeseen and ignored. Investor owned utilities pay local taxes today—while the government exempts its own projects from taxation."

Another statement of Mr. Forbes' is as follows:

"Deprived of tax receipts formerly paid by private utilities, many counties near the center of TVA operations are faced with outright fiscal disaster and even with the forced closing of schools in some areas."

The above statement can be used very nicely in Pennsylvania because if ever the same condition existed regarding our schools as described by Mr. Forbes, it exists right here. Our Elementary School teachers in Philadelphia and Pittsburgh, we admit, are underpaid and from all the tears shed in this House in the four Sessions I have been here for the plight of the 4th Class School Districts, I have yet to find the sympathy turned into dollars and cents for the teachers. I might add, that in Philadelphia and Pittsburgh this Bill would add a half a million dollars to the Boards' incomes.

Mr. Forbes further states:

"The State Government can take care of its needs for additional or replacement revenues through its power to tax, but County, School Districts, and municipal governments should not be left to shift for themselves. Their only recourse to meet the threatened loss of revenues would be further increases in the already excessive property tax. Taking taxes off electric utilities and placing added tax burdens on homes, farms, and all other property would be inequitable and wholly unjustified."

I do not know how I could improve upon the words of this tax expert, Mr. Forbes, when he states:

"Taking taxes off electric utilities and placing added tax burdens on homes, farms and all other property would be inequitable and wholly unjustified."

Now, to avoid the old hackneyed Utility argument that some communities have utility properties and others do not, let me tell you also that some communities have large department stores and others do not—some have large mills and others do not—some have coal mines and others do not but, to those who will put forth these arguments, let me ask you whether or not the exclusive neighborhoods of Philadelphia, the Sewickley Heights of Allegheny County, the Bonus Hills of Bethlehem, would permit a generating plant or a sub-station to be built in the midst of their community? I know a number of Members of this House are waiting to tell me about Springdale Borough. There the home owner pays the highest tax rates than in any other municipality in Allegheny County because they must furnish police and fire protection, pay the cost of maintaining their streets as well as maintaining an adequate sewage system—but the Utility uses these in Springdale but shifts their share of the costs to the shoulders of every other real estate owner in Springdale. The salable value of homes in Springdale has depreciated due to the large Utility Station there and I might add radios in Springdale cannot be enjoyed.

In the beginning of this speech I quoted to you figures of over \$230,000,000.00's worth of real estate owned by Public Utilities. These figures were furnished by local Assessment Boards. However, for your information, the Utilities carry about three times this amount or \$654,300,000.00's worth—outside of railroad holdings or three times the Assessors' figures—on their books for "rate making" purposes, which looks like there's something wrong in Denmark.

I would like to make one more comparison for you. At a conference of the Public Service Companies of New Jersey, their tax expert protesting of the excessive taxes in New Jersey, stated:

"the State of New Jersey holdings in Public Utilities is 1/5th of the Utilities' holdings in Pennsylvania, but the Utilities in New Jersey pay twelve times as much in taxes in the State of New Jersey as they do in Pennsylvania."

And, the strange part of all is that the rates in New Jersey are lower than in Pennsylvania. I also want to point out to you that in the States where Gross Receipt taxes are paid to the States where the Utilities pay a real estate tax and where the Utilities pay a special Franchise Tax for the use of the streets—the rates are lower than in the State of Pennsylvania.

Philadelphia stands 50th in Utility Rates and Pittsburgh 46th. This, I believe, refutes any argument that can be put forth by any Utility Lobbyist or anyone representing

the Utilities and opposing the taxing of the real estate of the Public Utilities in Pennsylvania.

RESOLUTION

TO DISCHARGE COMMITTEE FROM FURTHER CONSIDERATION OF HOUSE BILL No. 67

Mr. HOLLAND. Mr. Speaker, I desire to offer the following resolution.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 10, 1941.

Whereas, House Bill No. 67 entitled "To amend section two hundred and one of the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law" making the real estate of public service companies subject to taxation, and providing certain exceptions," was referred to the Committee on Public Utilities in the House of Representatives on January 28, 1941, and has not been acted upon by said Committee, therefore be it

Resolved, That the Committee on Public Utilities is hereby discharged from further consideration of House Bill No. 67 entitled "To amend section two hundred and one of the act approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 853), entitled "The General County Assessment Law," making the real estate of public service companies subject to taxation, and providing certain exceptions."

On the question,

Will the House adopt the resolution?

QUESTION OF INFORMATION

Mr. BROWN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. BROWN. Mr. Speaker, I understood at the beginning of the session that the Chair intended to adjourn at four o'clock this afternoon or near that time, is that correct?

The SPEAKER. That was the desire of the Chair and that is what the Chair has been trying to do, finish the business of the House.

RESOLUTION LAID ON TABLE

Mr. BROWN. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

BILL ON SECOND READING

Mr. BROWN asked and obtained unanimous consent to call up out of order House Bill No. 1780, (Senate Bill No. 185), Printer's No. 377, on page 3 of today's Calendar, bills on second reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1780, (Senate Bill No. 185), entitled:

An Act to further amend section two of, and to add section two and one-tenth to, the act, approved the fourth day of April, one thousand nine hundred twenty-five (P. L. 127),

entitled "An act relating to adoption," further regulating adoption proceedings as to the consent of, and notice to be given to, parents of the person proposed to be adopted

The first section was read.

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend Sec. 1, page 1, line 1, by striking out the word "Section" where it appears the second time in said line, and inserting in lieu thereof; "Sections one and."

Amend bill, page 1, by inserting after line 7, the following:

Section 1. Be it enacted, &c., That it shall be lawful for any adult [citizen of this Commonwealth residing therein,] person desirous of adopting any person, either a minor or an adult, as his or her heir or as one of his or her heirs, to present his or her petition to the orphans' court, or to a law judge thereof, of the county where he or she may be resident, or of the county in which the person to be adopted is a resident, declaring such desire and that he or she will perform all the duties of a parent to such person. Such petition shall also set forth the name, age, date, and place of birth of the person proposed to be adopted; the name, residence, and marital status of the adopting parent or parents; the name and place of residence of each of the natural parents or of the surviving parent or of any other person whose consent to the proposed adoption is necessary as hereinafter provided, and shall embody or have attached thereto the consents in writing of the person or persons whose consent to the proposed adoption is necessary as hereinafter provided.

The amendments were agreed to.

The section was agreed to as amended.

The second section was read and agreed to.

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment, a new section.

The amendment was read by the Clerk as follows:

Amend bill, page 3, by inserting between lines 23 and 24, the following:

Section 3. Section three of said act is hereby amended to read as follows:

Section 3. Hearings. Upon presentation of any such petition as aforesaid a time for hearing thereon shall be fixed not less than ten days from said presentation, which said hearing may be before the said court or any law judge thereof at chambers, and may be adjourned from time to time if the nature of the case should so require. At said hearing the adopting parents or parent, the person proposed to be adopted, if in the opinion of the court, such persons' presence is deemed necessary, and all the persons whose consent is necessary hereunder must appear in person and be examined under oath by such court or judge, but the personal appearance of the natural parents or other persons whose consent is necessary hereunder may be dispensed with in the discretion of the court or judge hearing the petition, if such persons reside without the jurisdiction of the court, or if for any other reason the said court or judge deem it unnecessary, provided the duly executed consents of such persons in writing have been filed with the petition; and the said court or judge may in his discretion require the personal appearance of the natural parents of the child at a different time and separate and apart from that of the other parties in interest. The said court or judge shall also hear any other testimony as to the facts set forth in the

petition or necessary to inform the court as to the desirability of the proposed adoption, and may also make or cause to be made an investigation by some person or agency specifically designated by said court or judge to verify the statements of the petition and such other facts as will give the court full knowledge as to the desirability of the proposed adoption.

The amendment was agreed to.

The third section was read.

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment.

The amendment was read by the Clerk as follows:

Amend Sec. 3, page 3, line 24, by striking out the figure "3" and inserting in lieu thereof: "4".

The amendment was agreed to.

The section was agreed to as amended.

The title was read.

On the question,

Will the House agree to the title?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendments.

The amendments were read by the Clerk as follows:

Amend title, page 1, lines 1 and 2 of title, by striking out the following: "section two of and to add section two and one-tenth to".

Amend title, page 1, last line of title, by inserting after the word "adopted" the following: "as to who can be adopting parents and procedure at the adoption hearings".

The amendments were agreed to.

The title was agreed to as amended.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

COMMITTEE MEETINGS

Appropriations, Wednesday, June 11 at 11:30 a. m., in Room 327.

Building and Loan, Wednesday, June 11 at 9 a. m., in Room 330.

Constitutional Amendments, Wednesday, June 11 at 11 a. m., in Room 325.

Education, Wednesday, June 11 at 10 a. m., in Room 326.

Highways, Wednesday, June 11 at 11 a. m., in Room 324.

Public Utilities, Wednesday, June 11 at 10 a. m., in Room 331.

Elections, Tuesday, June 10, immediately after the session in Room 323. Very important meeting.

ADJOURNMENT

Mr. McLANAHAN. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 11, 1941, at 12 m.

The motion was agreed to, and (at 4:32 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., WEDNESDAY, JUNE 11, 1941.

No. 69.

SENATE

WEDNESDAY, June 11, 1941.

The Senate met at 2:00 o'clock, p. m. E. S. T.

The PRESIDENT PRO TEMPORE (Charles H. Ealy) in the Chair.

PRAYER

The PRESIDENT PRO TEMPORE. In the absence of the regular Chaplain the Senator from Berks, Dr. RUTH will offer the prayer.

Our Father and Our God, we thank Thee for this beautiful day, for life and health and the opportunity to serve our fellow men. We pray that Thy Spirit will guide us today to do our work here in such a way that Thy name may receive the honor and glory, and that those whom we represent may have comfort and confidence. In the Master's name. Amen.

JOURNAL APPROVED

The PRESIDENT PRO TEMPORE. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELTZ and Mr. CROWE, the further reading was dispensed with, and the Journal was approved.

LEAVE OF ABSENCE

The PRESIDENT PRO TEMPORE. The Chair is in receipt of a letter addressed to the presiding officer from Senator Anthony Cavalcante, which the Clerk will read.

The Clerk read the letter as follows:

SENATE OF PENNSYLVANIA

June 11, 1941.

"Hon. Samuel S. Lewis
Lieutenant-Governor and
President of the Senate
Senate Chamber
Harrisburg, Penna.

"My Dear Sir:

"It has become urgent and necessary that I immediately proceed to my home at Uniontown, Pa. in order to compile some information which I deem pertinent to the clarification of the remarks made by me on the floor of your Senate on the passage of the "Box-Car" Trucking Bill.

"Because of this necessity I humbly ask leave of absence for the rest of this week.

Obediently yours,

ANTHONY CAVALCANTE."

The PRESIDENT PRO TEMPORE. Is there objection to the granting of leave of absence to the gentleman from Fayette? The Chair hears none. Leave of absence is granted.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

GOVERNOR TO ADDRESS JOINT ASSEMBLY

Commonwealth of Pennsylvania,

Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in Joint Session this afternoon at four o'clock, Eastern Standard Time.

ARTHUR H. JAMES

JOINT SESSION

Mr. GELTZ. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ offered the following resolution which was twice read, considered and agreed to:

In the Senate, June 11, 1941.

Resolved (if the House of Representatives concur), That the Senate and the House of Representatives meet in joint session Wednesday, June 11, 1941, at 4 p. m. o'clock (Eastern Standard Time), in the Hall of the House of Representatives for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

INTERIM REPORT OF JOINT INVESTIGATING COMMITTEE

Mr. STEVENSON. Mr. President, I ask unanimous consent to make a report at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. STEVENSON offered the following resolution which was twice read:

The Joint Legislative Committee created to investigate certain charges made on the floor of the Senate by the Senator from Fayette County, Mr. Cavalcante, further reports at this time as follows:

Senator Cavalcante has notified the Chairman of the Committee that he will appear before and cooperate with

the Committee some time early next week and make a statement incorporating all the facts within his knowledge upon which his charges are based.

Wherefore your committee is of the opinion that no further action shall be taken by said Committee pending the appearance of Mr. Cavalcante, and the receipt of his statements as aforesaid.

Mr. HEYBURN. Mr. President, I move that the Senate do accept the report.

Mr. FARRELL. I second the motion, Mr. President. It was agreed to.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 11, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

J. H. Boquet, Exhibitors Service Bldg., Robinson and Shore Avenues, Pittsburgh.

Louis V. Kumer, Penn Twp., Box 312, Universal.

LEBANON COUNTY

Miss Evelyn E. Hartnett, Lebanon.

MONTGOMERY COUNTY

Mrs. Virginia R. Carver, Norristown.

PHILADELPHIA COUNTY

Theodore B. Rzepski, 3163 Richmond St., Phila.

James P. Walsh, 2010 Ridge Ave., Phila.

SNYDER COUNTY

C. A. Baker, West Beaver Twp., McClure.

VENANGO COUNTY

Mrs. Fay S. Hovis, Venango, Franklin.

WESTMORELAND COUNTY

Miss Isabel Armstrong, North Huntingdon Twp., P. O. Box 311, Irwin.

YORK COUNTY

Max I. Bookwalter, York.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barr,	DiSilvestro,	Lanius,	Thomas,
Bartlett,	Edmonds,	McCreesh,	Tyler,
Carr,	Farrell,	McQuiddy,	Wade,
Chapman,	Frey,	Miller,	Watkins,
Coleman,	Geltz,	Ruth,	Wilson, H. I.,
Cox,	Haluska,	Scarlett,	Wilson, T. B.,
Crider,	Heyburn,	Stevenson,	Woodward,
Crowe,	Jaspan,	Stiefel,	Ziesenheim,
Dent,	Kephart,	Taylor,	Ealy,
			Pres. Pro. Tem.

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

HOUSE MESSAGES

SENATE BILL No. 525 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced, returned to the Senate, Senate Bill No. 525, entitled:

An Act in the interest of public and social welfare or social service and to provide uniform law and defining the procedure and powers, thereto relating as to county probation officers, parole officers, social service officers and court investigators, and to define and to increase the powers and prerogatives and promote efficiency by providing aid and assistance to the several and various courts of this Commonwealth, such as, Quarter Sessions, Oyer and Terminer, Common Pleas, County, Municipal, Juvenile, or Orphans' Court; before, after, during or in the trial, sentence, releasing on probation or parole of any convict or person charged with, or convicted of any criminal offense, and proceedings in desertion and non-support, adoptions, habeas corpus or any hearing or other matter whatsoever coming before any such court of which said court or President Judge thereof shall or may have jurisdiction; authorizing and providing for appointment and securing the services of probation officers, social service officers, court investigators, clerks, stenographers, physicians, psychiatrists and other assistants; defining their duties, and authority; providing for the payment of the compensation, costs, salaries, and such general expenses as may be incurred under or in conjunction with the provisions of this act

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT PRO TEMPORE. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 717 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 717, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Military Affairs for con-

struction by the Department of Public Works in cities of the first class of airports and airport facilities

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT PRO TEMPORE. The bill as amended will be noted on tomorrow's Calendar.

SENATE BILL No. 960 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 960, entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT PRO TEMPORE. The bill as amended will be noted on tomorrow's Calendar.

HOUSE CONCURS IN SENATE BILL No. 80

He also returned to the Senate, Senate Bill No. 80, entitled:

An Act to further amend the act approved the fifth day of December, one thousand nine hundred and thirty-six (P. L. 2897-1937), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis, requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons, providing procedure and administrative details for the determination payment and collection of such contributions; and the payment of such compensation providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer and prescribing penalties" by further defining "contributions" to be paid by certain employees; changing the procedure and administrative details for the determination and payment of compensation; further regulating the appointment, promotion, dismissal, suspension and furlough of civil service employees; further defining the powers of, and procedure before, the board; making payments out of the Unemployment Compensation Fund subject to agreement between the State Treasurer and the Social Security Board; and making the Administration Fund subject to certain charges

with the information that the House has passed the same without amendments.

HOUSE CONCURS IN SENATE BILL No. 381

He also returned to the Senate, Senate Bill No. 381, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh, and eighth classes; and revising amending and consolidating the laws relating thereto," by authorizing the acquisition and operation of aviation landing fields and airdromes by counties of the second, third, fourth, fifth and sixth classes

with the information that the House has passed the same without amendments.

SENATE BILL No. 80, (HOUSE BILL No. 1208), LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 80, (House Bill No. 1208) be laid on the table.

Mr. SCARLETT. Mr. President, I second the motion.
The motion was agreed to.

SENATE BILL No. 381, (HOUSE BILL No. 1537), LAID ON THE TABLE

Mr. GELTZ. Mr. President, I move that Senate Bill No. 381, (House Bill No. 1537), be laid on the table.

Mr. SCARLETT. Mr. President, I second the motion.
The motion was agreed to.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Charles H. Ealy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 238, entitled:

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

House Bill No. 383, entitled:

An Act to further amend section one thousand five hundred three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," providing that school districts of the fourth class shall employ at their own expense a medical inspector.

House Bill No. 392, entitled:

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

House Bill No. 752, entitled:

An Act authorizing cities of the second class A with the consent of the owners thereof to improve and beautify property devoted to park purposes within such cities.

House Bill No. 830, entitled:

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "Pennsylvania Liquor Control Act" changing the provisions of said act with respect to natural wines, as herein defined; discontinuing the sale thereof by State stores; and changing the quantities of malt or brewed beverages that may be sold by licensees, other than clubs, for consumption off the premises where sold.

House Bill No. 831, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 262), entitled as last amended "Malt Liquor License Law" including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, authorizing retail dispensers to sell natural wines without further license; and changing the quantities of malt or brewed beverages that may be sold by distributors and importing distributors, and by retail dispensers for consumption off the premises where sold.

House Bill No. 1072, entitled:

An Act to amend section five hundred and nineteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

House Bill No. 1257, entitled:

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

House Bill No. 1346, entitled:

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in Public schools under the direction of superintendents and teachers.

House Bill No. 1413, entitled:

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

Whereupon,

The PRESIDENT PRO TEMPORE (Charles H. Ealy) in the presence of the Senate signed the same.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced presented for concurrence bills of the House, as follows:

House Bill No. 129, (Senate Bill No. 1175), entitled:

An Act to add sections three hundred fourteen and three hundred fifteen to article three of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," prohibiting certain public utilities from imposing penalties by reason of the late payment of service charges by consumers, and prohibiting certain public utilities from imposing minimum or meter charges.

Which was committed to the Committee on Public Utilities.

House Bill No. 722, (Senate Bill No. 1176), entitled:

An Act to further amend section twenty-one of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "Boxing and Wrestling Law," by imposing a tax on the privilege of attending such spectacles; and repealing former tax.

Which was committed to the Committee on Finance.

House Bill No. 989, (Senate Bill No. 1177), entitled:

An Act to amend section four hundred and eighteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "Insurance Company Law of 1921," by allowing certain exemptions to be waived in favor of labor unions.

Which was committed to the Committee on Workmen's Compensation.

House Bill No. 991, (Senate Bill No. 1178), entitled:

An Act to add section 435 to the act approved June second one thousand nine hundred fifteen (P. L. 736), entitled "Workmen's Compensation Act of 1915," providing that hospitals, institutions, physicians, surgeons and others furnishing medical, dental or nursing services, hospital treatment, artificial appliances, medicines and supplies for which the employer is liable, shall be deemed parties in interest to present claims and to enforce awards in Workmen's Compensation proceedings.

Which was committed to the Committee on Workmen's Compensation.

House Bill No. 1191, (Senate Bill No. 1179), entitled:

An Act to further amend clause one of section three of the act approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employees Retirement Law," by further extending the time for present employees, as defined in the act, to elect to be covered by the retirement system.

Which was committed to the Committee on State Government.

House Bill No. 1256, (Senate Bill No. 1180), entitled:

An Act requiring all police officers in cities of the first class to slate for hearing all persons arrested by such officers without warrant in the station house of the district in which the arrest was made, and imposing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 1482, (Senate Bill No. 1181), entitled:

An Act to amend section four hundred eighteen of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "Public Utility Law," by imposing additional limitations on public utilities where a bona fide cooperative corporation has been organized to furnish light or power service in a given area to its stockholders or members.

Which was committed to the Committee on Public Utilities.

House Bill No. 1522, (Senate Bill No. 1182), entitled:

An Act to further amend sections two hundred five and seven hundred eleven of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "Administrative Code of 1929," by creating a Motor Police Trial Board; setting forth its powers and duties; and regulating the conduct, hours of work, and compensation of members of the Pennsylvania Motor Police.

Which was committed to the Committee on State Government.

House Bill No. 1662, (Senate Bill No. 1183), entitled:

An Act to amend the title and further amend section one of the act, approved the twenty-second day of June,

one thousand nine hundred and thirty-one (P. L. 844), entitled "An act authorizing the Commonwealth of Pennsylvania; or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," authorizing the making of contracts for hospitalization, and extending the provisions of the act to vocational school districts and institution districts.

Which was committed to the Committee on Education.

House Bill No. 1679, (Senate Bill No. 1184), entitled:

An Act to enable the county commissioners of counties of the fourth fifth and sixth classes to establish by resolution the requirements of responsible bidders for county printing and to repeal all acts and parts of acts inconsistent with the provisions of this act

Which was committed to the Committee on County Government.

House Bill No. 1716, (Senate Bill No. 1185), entitled:

An Act to further amend sections three and ten of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 284), entitled as amended "Beverage Tax Law," by prescribing malt beverage tax rates for certain original containers or standard fractions thereof; fixing a minimum quantity of malt or brewed beverages which may be sold in cases, cartons or boxes; and providing for refunds of tax for malt or brewed beverages sold to commissaries, ship's stores and voluntary unincorporated organizations of the Army or of the Navy personnel operating under regulations promulgated by the Secretary of War or the Secretary of the Navy.

Which was committed to the Committee on Law and Order.

HOUSE MESSAGE

MEMORIALIZING CONGRESS TO PROVIDE FEDERAL FUNDS TO STATE PROVIDING ASSISTANCE TO BLIND PERSONS

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur) That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and

to the Senators and Representatives in the Congress of the United States from this Commonwealth.

REPORTS FROM COMMITTEES

Mr. HEYBURN, from the Committee on Finance, reported as committed, Senate Bill No. 1162, (House Bill No. 1660), entitled:

An Act to amend section seven hundred and thirty of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for state purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by authorizing the furnishing of certain confidential information to other states and the United States.

Mr. EDMONDS, from the Committee on Education, reported as committed, Senate Bill No. 1030, (House Bill No. 931), entitled:

An Act to further amend section six of the act, approved the first day of July, one thousand nine hundred and thirty-seven (P. L. 2603), entitled "An act relating to vocational education; creating vocational school districts for the purpose of conducting systems of vocational schools, departments or classes; providing for their government; prescribing their powers and duties; conferring powers and imposing duties on school districts and on the State Board for Vocational Education; and providing for referendum in certain cases," fixing the rate of the annual tax levy; requiring county commissioners or boards for the assessment and revision of taxes to furnish, at the expense of the county, certified duplicates of last adjusted valuations of real estate; making the same taxable for vocational school purposes; and making further provision with reference to the bond of tax collectors.

Mr. CROWE, from the Committee on Education, reported as amended, Senate Bill No. 1142, (House Bill No. 723), entitled:

An Act to further amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns

benefits and rights from taxation and judicial process and providing penalties" extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July one thousand nine hundred and nineteen

He also, from the Committee on Education, re-reported as amended, Senate Bill No. 313, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees, respectively, and providing for the compensation of such substitutes," prescribing the compensation of officers and professional employees of school districts and saving their rights under the Public School Employees Retirement System, and to salary increments.

Mr. HENRY I. WILSON, from the Committee on Workmen's Compensation, reported as committed, Senate Bill No. 440, (House Bill No. 251), entitled:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

Mr. FARRELL, from the Committee on Education, reported as committed, Senate Bill No. 1064, (House Bill No. 348), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a fourth class district to one of another class

He also, from the Committee on Elections, reported as committed, Senate Bill No. 1113, entitled:

An Act to amend the act, approved the thirtieth day of

March, one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and board of school directors; and imposing penalties," as amended, by providing a fixed method for the computation of time vesting power of appointment and dismissal of employees of commission in the chairman; providing that the Governor shall designate the chairman; changing the period for registration, reducing number of registrars and registration cards; providing for posting street lists; reducing period for cancellation of registration to two years; changing period of time for sending in removal notices; changing party enrollment, and filing and hearing strikeoff petitions; imposing duties on certain city officials and others relative to permanent residents of hotels, tenements and lodging houses; providing for the removal of the Commission and the Registrar of Vital Statistics; making clarifying provisions; repealing ineffective provisions; increasing power of the Courts on hearing appeals, establishing a merit system, and imposing additional penalties.

Mr. RUTH, from the Committee on Education, reported as committed, Senate Bill No. 1071, (House Bill No. 1380), entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees denying the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

Mr. STIEFEL, from the Committee on Appropriations, reported as committed, Senate Bill No. 968, (House Bill No. 1065), entitled:

An Act making an appropriation to the National Farm School at Doylestown, Pennsylvania.

With the request that it be recommitted to the Committee on Appropriations after two readings.

He also, from the Committee on Appropriations, reported

as committed, Senate Bill No. 967, (House Bill No. 1003), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania.

With the request that it be recommitted to the Committee on Appropriations after two readings.

BILL RE-REFERRED

He also, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 921, (House Bill No. 892), entitled:

An Act authorizing a commission to study recreational facilities available in first class cities imposing powers and duties on said commission and making an appropriation

With the request that it be re-referred to the Committee on Municipal Government.

The PRESIDENT PRO TEMPORE. It is so ordered.

REPORTS FROM COMMITTEES

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 969, (House Bill No. 1066), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania.

With the understanding that it be recommitted to the Committee on Appropriations after two readings.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1066, (House Bill No. 1203), entitled:

An Act making an appropriation to the Jefferson Medical College, of Philadelphia, Pennsylvania, for medical education.

With the request that it be recommitted to the Committee on Appropriations after two readings.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 971, (House Bill No. 1083), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania

With the request that it be recommitted to the Committee on Appropriations after two readings.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 970, (House Bill No. 1068), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

With the request that it be recommitted to the Committee on Appropriations after two readings.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 942, (House Bill No. 280), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

With the request that it be recommitted to the Committee on Appropriations after two readings.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 32 (PRINTER'S No. 230)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 32, Printer's No. 230, entitled "An act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Irwin in Westmoreland County, the western terminus of the turnpike heretofore constructed by said commission, to a point on the western boundary line of the Commonwealth of Pennsylvania touching on the State of Ohio, or the State of West Virginia, and conferring powers and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such turnpike bonds exempt from taxation; constituting such bonds legal investments in certain instances; requiring suits against the commission to be brought in Dauphin County; prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation and restoration of public roads and State highways affected by the turnpike; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

ARTHUR H. JAMES.

APPROVED AND SIGNED SENATE BILL No. 270 (PRINTER'S No. 393)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.
To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 270, Printer's No. 393, entitled "An act to amend section seven hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' by authorizing such townships to regulate the use of certain parks and recreational grounds providing penalties for violation of rules prescribed therefor and authorizing police officers to arrest violators thereof on view."

ARTHUR H. JAMES.

REPORT FROM COMMITTEE

Mr. CRIDER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CRIDER, from the Committee on State Govern-

ment, reported as committed, Senate Bill No. 1164, (House Bill No. 1676), entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators.

BILLS INTRODUCED

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

Which was committed to the Committee on Military Affairs.

Mr. COLEMAN read in his place and presented to the Chair Senate Bill No. 1187, entitled:

An Act establishing certain sections of public road in the County of Lackawanna as a State highway, and providing for their construction and maintenance by the Department of Highways.

Which was committed to the Committee on Highways.

Mr. CHAPMAN read in his place and presented to the Chair Senate Bill No. 1188, entitled:

An Act making an appropriation for the purpose of reconstruction, preservation, and maintenance of public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Which was committed to the Committee on Appropriations.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

Mr. GELTZ offered the following resolution which was twice read, considered, and agreed to:

In the Senate, June 11, 1941.

Resolved (if the House of Representatives concur) That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency, the Governor, to the Hall of the House to address the Members of the General Assembly in Joint Session this day at four o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT PRO TEMPORE. The Chair an-

nounces the Committee on the part of the Senate to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee) as follows: the senator from Blair, Mr. Mallery; the senator from Butler, Mr. Carr; and the senator from Berks, Dr. Ruth, to escort His Excellency, the Governor, to the Hall of the House to address the Members of the General Assembly in Joint Session.

REPORTS FROM COMMITTEES

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN. Mr. President, I am instructed by the Committee on Appropriations to report out the following bills with the request that each of these bills be recommended to the Committee on Appropriations after two readings.

Mr. CHAPMAN, from the Committee on Appropriations, reported as amended, Senate Bill No. 372, (House Bill No. 581), entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 589, (House Bill No. 1092), entitled:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 939, (House Bill No. 61), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 940, (House Bill No. 266), entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 943, (House Bill No. 281), entitled:

An Act making an appropriation to the Department of Labor and Industry, for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 944, (House Bill No. 284), entitled:

An Act making an appropriation from the Motor Li-

cense Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 945, (House Bill No. 291), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries, and for the purchase and transportation of books.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 946, (House Bill No. 301), entitled:

An Act making an appropriation to Sleighton Farm School for Girls, situate in Delaware County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 948, (House Bill No. 317), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 949, (House Bill No. 322), entitled:

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 950, (House Bill No. 333), entitled:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 951, (House Bill No. 347), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare, to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 953, (House Bill No. 351), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 954, (House Bill No. 371), entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 955, (House Bill No. 378), entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 956, (House Bill No. 489), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 960, (House Bill No. 614), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 972, (House Bill No. 1106), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls, Philadelphia, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 979, (House Bill No. 1321), entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 980, (House Bill No. 1330), entitled:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 981, (House Bill No. 1332), entitled:

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 982, (House Bill No. 1334), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 983, (House Bill No. 1343), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 984, (House Bill No. 1344), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 985, (House Bill No. 1345), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 987, (House Bill No. 1417), entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 989, (House Bill No. 1463), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by such department with The General State Authority for the use and occupancy by the Commonwealth of various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 992, (House Bill No. 1590), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum, Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 993, (House Bill No. 1591), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art, Philadelphia.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1012, (House Bill No. 1418), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

He also, from the Committee on Appropriations, reported as amended, Senate Bill No. 1013, (House Bill No. 1419), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1019, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Pennsylvania Soldiers' Orphan School to acquire a certain tract of land for the use of said school and making an appropriation therefor.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1029, entitled:

An Act creating a Joint Legislative Committee for the purpose of making a thorough study and investigation of the State Employees Retirement System; providing for its appointment; authorizing the employment of necessary clerks and assistants; authorizing the subpoenaing of witnesses and records and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1050, (House Bill No. 305), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1057, (House Bill No. 267), entitled:

An Act making an appropriation to aid certain school districts.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1058, (House Bill No. 300), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon, through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1059, (House Bill No. 472), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1070, (House Bill No. 1331), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Manufacturing Fund.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1074, (House Bill No. 1470), entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

He also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1114, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Mr. HEYBURN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. HEYBURN, from the Committee on Appropriations, reported as amended, Senate Bill No. 1172, entitled:

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanitarium for the treatment of cancer and for cancer research

which has been amended to increase the appropriation from one to five hundred thousand dollars at the suggestion of the gentleman from Philadelphia, Mr. Shapiro, and the Governor. It is my opinion that will allow them to do much better work.

SENATE BILL No. 588, (HOUSE BILL No. 1406),
TAKEN FROM TABLE

Mr. COX. Mr. President, I now call up Senate Bill No. 588, (House Bill No. 1406), Printer's No. 398, from the table, entitled:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

recalled from the Governor for the purpose of amendment.

Mr. COLEMAN. Mr. President, I second the motion.

The motion was agreed to.

SENATE NON-CONCURS IN HOUSE AMENDMENTS TO
SENATE BILL No. 588, (HOUSE BILL No. 1406)

Mr. COX. Mr. President, I move that the Senate non-concur in the amendments made by the House of Representatives to Senate Bill No. 588, (House Bill No. 1406).

Mr. GELTZ. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Letzler,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
Deltrick,	Kephart,	Stiefel,	Ealy,
Dent,	Lanius,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADOPTION OF THE REPORT OF CONFERENCE COMMITTEE ON SENATE BILL No. 402,
(HOUSE BILL No. 376)

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Committee on Conference on Senate Bill No. 402, (House Bill No. 376).

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE
ON HOUSE BILL No. 376

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 376, entitled:

"An Act to amend section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872) entitled 'An act to consolidate, amend and revise the penal laws of the Commonwealth,' by prohibiting the sale, exposing for sale, and offering for sale of certain lubricants in a manner to deceive the purchaser."

Respectfully submit the following bill as our report:

J. W. CARR

THOMAS B. WILSON

(Committee on the Part of the Senate.)

JAMES J. McLANE

MATTHEW T. KNOBLE

(Committee on the part of the House of Representatives.)

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 865 Fraudulent Dealing in Liquid Fuels and Oils (a) Whoever stores sells exposes for sale or offers for sale any liquid fuels lubricating oils lubricants mixtures of lubricants adulterated oils reclaimed oils or falsely labeled oils or other similar products in any manner so as to deceive or tend to deceive the purchaser as to the nature origin quality [and] grade or identity of the product so sold or offered for sale or whoever stores sells exposes for sale or offers for sale in any manner so as to deceive or tend to deceive the purchaser any lubricating oil lubricants mixtures of lubricants adulterated oils or falsely labeled oils which had been once used for lubrication purposes and subsequently reclaimed re-refined or reconditioned without clearly indicating or setting forth such fact on the container pump or distributing device used shall be subject to the penalties provided in clause (f) of this section

(b) Whoever stores keeps exposes for sale offers for sale or sells from any tank or container or from any pump or other distributing device or equipment any other liquid

fuels lubricating oils or other similar products than those indicated by the name trade name symbol sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank container pump or other distributing equipment from which the same are sold offered for sale or distributed shall be subject to the penalties provided by clause (f) of this section

(c) Whoever disguises or camouflages his own equipment by imitating the design symbol trade name of the equipment under which recognized brands of liquid fuels lubricating oils and similar products are generally marketed shall be subject to the penalties provided by clause (f) of this section

(d) Whoever exposes for sale offers for sale or sells under any name in general use any liquid fuels lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels lubricating oils or other like products under such trade name or substitutes mixes or adulterates the liquid fuels lubricating oils or other similar products sold offered for sale or distributed under such trade name shall be subject to the penalties provided by clause (f) of this section

(e) Whoever aids or assists any other person in the violation of the provisions of this section by depositing or delivering into any tank receptacle or other container any other liquid fuels lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith shall be subject to the penalties provided by clause (f) of this section

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500) for the first offense and or not more than two thousand dollars (\$2,000) for each subsequent offense or in the case of the second or subsequent conviction shall undergo imprisonment of not more than one (1) year or both.

On the question,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Letzler,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
Deitrick,	Kephart,	Stiefel,	Ealy,
Dent,	Lanius,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL No. 535, (HOUSE BILL No. 316)

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the consideration of the Report of the Committee on Conference on Senate Bill No. 535, (House Bill No. 316).

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to

The report was read as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 316

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 316, entitled:

"An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority."

Respectfully submit the following bill as our report:

THOMAS B. WILSON

PAUL M. CRIDER

H. JEROME JASPAN

(Committee on the Part of the Senate.)

J. HAROLD LEVY

JAMES E. LOVETT

BENJAMIN F. JAMES

(Committee on the Part of the House of Representatives.)

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public and requiring certification of their authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All officers on active duty with the armed forces of the United States holding the rank of at least major or lieutenant commander members of any general or special court martial all summary court officers and judge advocates are hereby authorized and empowered to act as notaries public with the same rights and powers as though duly commissioned and qualified as such according to law including among others the right to take within or without this Commonwealth the acknowledgment of any deed or other instrument in writing Provided That the acknowledgment be accompanied by the certificate of the commanding officer or adjutant of the unit to which such officer is assigned and if unassigned the commanding officer or adjutant of the area or district to whom such officer reports for duty certifying that the officer taking the acknowledgment held such rank or was detailed to such duty at the time of taking said acknowledgment and containing reference to this Act

Section 2 The following parts of acts are hereby repealed

Sections one and two of the act approved the twenty-second day of April one thousand eight hundred sixty-three (P. L. 572) entitled "An act to authorize certain military officers to take affidavits testimony and acknowledgments of the execution of deeds and other instruments of writing of persons in the military service of this state or the United States"

Section one of the act approved the fourteenth day of March one thousand nine hundred nineteen (P. L. 18) entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public declaring the effect thereof validating notarial acts heretofore performed by judge advocates and declaring the effect thereof"

Section one of the act approved the seventh day of June one thousand nine hundred nineteen (P. L. 422) entitled "An act authorizing certain officers of the United States Army to take acknowledgments of deeds and other instruments in writing validating certain acknowledgments and repealing the act approved the first day of May one thousand nine hundred and nineteen"

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment

On the question.

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Letzler,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Willson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
Deitrick,	Kephart,	Stiefel,	Ealy,
Dent,	Lanius,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 344, entitled:

An Act to amend further section five of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (P. L. 551) entitled "An act relating to roads highways and bridges" as amended by permitting the maximum width of a public road to be two hundred feet when the right of way is acquired by the Federal Government and providing for the cost of relocating public service lines.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Letzler,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Willson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	Jaspan,	Stevenson,	Ziesenheim,
Deitrick,	Kephart,	Stiefel,	Ealy,
Dent,	Lanius,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 889, entitled:

An Act relating to the practice of veterinary medicine; defining such practice and providing for the licensing and registration of persons engaged therein and for the

revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement; defining the powers and duties of the State Board of Veterinary Medical Examiners and the Department of Public Instruction; providing penalties and repealing existing laws.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Barr,	Edmonds,	Kephart,	Stiefel,
Bartlett,	Farrell,	Lanius,	Tallman,
Becker,	Frey,	McCreesh,	Taylor,
Carr,	Geltz,	McQuiddy,	Thomas,
Coleman,	Haluska,	Miller,	Tyler,
Cox,	Heyburn,	Ruth,	Wade,
Crowe,	Homsher,	Scarlett,	Wilson, H. I.,
Deitrick,	James,	Snowden,	Ziesenheim,
Dent,	Jaspan,	Stevenson,	Ealy,
DiSilvestro,			Pres. Pro. Tem.

NAYS—3

Chapman, Crider, Watkins,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

SENATE BILL No. 649, (HOUSE BILL No. 971), ON FINAL PASSAGE POSTPONED CALLED UP

Mr. MALLERY. Mr. President, I now call up Senate Bill No. 649, (House Bill No. 971), on final passage, postponed, page 3 of the Calendar.

Mr. FARRELL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 649, (House Bill No. 971), entitled:

An Act to further amend sections fifteen and fifteen and three-tenths, and to repeal sections fifteen and one-tenth and fifteen and two-tenths, of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as amended, by providing for the renewal, extension and continuation of liens for taxes and water, lighting, power and sewer rates, until such taxes and rates are fully paid and satisfied; and authorizing the filing and revival of liens heretofore lost, and in certain cases, reviving, validating, preserving and extending liens

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

RECONSIDERATION OF SENATE BILL No. 649,
(HOUSE BILL No. 971)

Mr. MALLERY. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. MALLERY. Mr. President, I voted "aye."

Mr. FARRELL. Mr. President, I second the motion.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. FARRELL. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. MALLERY. Mr. President, I ask unanimous consent to amend title, page 2, line 6 by inserting after the word "extension" the word: "revival"; amend title, page 2, by striking out beginning in line 7 the following: "taxes and water, lighting power and sewer rates until such taxes and rates are fully paid and satisfied and authorizing the filing and revival of liens heretofore lost and in certain cases revising, validating, preserving and extending liens," and insert in lieu thereof: "tax, municipal and other claims until the same are paid and satisfied and repealing certain existing sections of said act"; amend section 1, page 4, line 4, by striking out the word "on" and insert in lieu thereof: "of".

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

The amendments were agreed to.

On the question,

Will the Senate agree to the bill on third reading, as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 263, as follows:

An Act to establish a system uniform throughout the Commonwealth for the compensation of witnesses regulating the amount payment and taxation as costs thereof and repealing inconsistent legislation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The word "witness" as used in this act means a witness subpoenaed to testify before (a) any court of record or (b) any department board commission or legislative body of the state government or any municipality or (c) any officer or committee of or appointed by any such court department board commission or legislative body

Section 2 Every witness shall be paid at the rate of three dollars (\$3) per day during the necessary period of his attendance

Section 3 A witness necessarily present for more than one proceeding at the same place during any day shall be paid but once for such period

Section 4 Every witness who resides outside the place

where his attendance is required whether such residence be within or without the Commonwealth shall be paid mileage at the rate of five cents (5c) for each mile he actually travels in going to such place from his place of residence and returning but not for a greater number of miles than would be required for traveling by the usually-traveled route between those places

Section 5 (a) A witness necessarily present for more than one proceeding at the same place during any day shall receive but one mileage allowance

(b) When a proceeding is adjourned continued or postponed for more than one day or is prolonged from one week to the next a witness necessarily present both before and after such interval and who therein returns to his place of residence shall be paid one additional mileage allowance for each such interval

Section 6 When a proceeding is prolonged from one day to the next a witness necessarily present on both days who resides more than fifty (50) miles by the usually-traveled route from the place the proceeding is held and who remains there overnight shall be paid commutation of lodging in an amount equal to the per diem witness fee for each such night

Section 7 Witnesses who attend any proceeding under subpoena but who are not called to testify therein shall receive the same compensation they would receive if actually called

Section 8 All compensation properly paid in accordance with the provisions of this act to witnesses in any proceeding shall be taxable as costs therein

Section 9 Nothing herein contained shall affect the right of a witness who gives expert testimony to receive additional per diem compensation therefor not taxable as costs nor shall it affect the compensation of a witness from another state who appears to testify in a criminal prosecution in this Commonwealth by virtue of a subpoena issued by a judge of such other state

Section 10 At the time a witness is subpoenaed for any proceeding he shall upon demand be paid the witness fee for one day and mileage as herein provided The provisions of this section shall not apply to witnesses subpoenaed to appear in criminal courts

Section 11 The following acts and parts of acts are hereby repealed in so far as they relate to the amount of compensation of witnesses

Section two of the act approved the fourteenth day of January one thousand eight hundred and four (P. L. 16) entitled "An act directing the mode of taking testimony in cases of complaint against justices of the peace"

Section one of the act approved the seventeenth day of May one thousand eight hundred and eighty-three (P. L. 32) entitled "An act authorizing councils in cities of the first class to issue subpoenas and to take the testimony of witnesses concerning the management and accounts of any of the departments of said city or any other matter which may be subject to their supervision also providing for the compulsory production of books and papers and a mode of compelling the attendance of witnesses by attachment for contempt and authorizing and defining the punishment therefor"

The act approved the nineteenth day of May one thousand eight hundred and eighty-seven (P. L. 134) entitled "An act relating to costs and the manner of computing mileage in certain cases"

Section one thousand and fifteen of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs"

Section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 851) entitled "An act fixing the pay and mileage of jurors and witnesses"

Section forty-four of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries pre-

scribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registers of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties"

Section forty-three of the act approved the twenty-ninth day of April one thousand nine hundred and thirty-seven (P. L. 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition to their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties"

Section forty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties"

Section forty-four of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation"

Section forty-four of the act approved the first day of June one thousand nine hundred and thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political par-

ties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties"

Section 12 Section twenty-four of the act approved the twenty-first day of July one thousand nine hundred and nineteen (P. L. 1077) entitled "An act to provide for the administration of the Workmen's Compensation Act of one thousand nine hundred fifteen by creating the Bureau of Workmen's Compensation of the Department of Labor and Industry providing for the establishment of the Workmen's Compensation Board to have charge of such bureau authorizing the division of the Commonwealth into workmen's compensation districts and the appointment of workmen's compensation referees defining the powers and duties of the Commissioner of Labor and Industry the Bureau of Workmen's Compensation the Workmen's Compensation Board the workmen's compensation referees and the factory inspectors of the Department of Labor and Industry in enforcing the said act and fixing the salaries of the members of the Workmen's Compensation Board the workmen's compensation referees and certain of their employees and assistants and repealing certain acts" is hereby repealed in so far as it relates to the amount of per diem compensation of witnesses other than physicians

Section 13 All other acts and parts of acts general special and local inconsistent with or supplied by this act are hereby repealed in so far as they are inconsistent herewith.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanús,	Taylor,
Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 309, (House Bill No. 312), on third reading, entitled:

An Act to amend clause (e) of section five of the act, approved the eighteenth day of July, one thousand nine hundred and nineteen (P. L. 1045), entitled "An act providing for the establishment of a Bureau of Rehabilitation in the Department of Labor and Industry, and conferring upon the Commissioner of Labor and Industry the power to

supervise and direct the rendering of certain physically handicapped persons fit to engage in remunerative occupations; providing for the appointment of a chief of the bureau, subordinate officers, and employees, and furnishing suitable accommodations; and making an appropriation", by providing for furnishing artificial limbs to children over ten years of age.

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 371, (House Bill No. 578), as follows:

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 No Sufficient Evidence of Survivorship Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously the property of each person shall be disposed of as if he had survived except as provided otherwise in this act

Section 2 Beneficiaries of Another Person's Disposition of Property Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived

Section 3 Joint Tenants or Tenants by the Entirety. Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants

Section 4 Insurance Policies Where the insured and the beneficiary in a policy of life or accident insurance have died and there is no sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary

Section 5 Act Not Retroactive This act shall not apply to the distribution of the property of a person who has died before it takes effect

Section 6 Act Does not Apply if Decedent Provides Otherwise This act shall not apply in the case of wills living trusts deeds or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this act

Section 7 Uniformity of Interpretation This act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it

Section 8 Short Title This act may be cited as the Uniform Simultaneous Death Act

Section 9 Repeal all laws or parts of laws inconsistent with the provisions of this act are hereby repealed

Section 10 Severability If any of the provisions of this act or the application thereof to any persons or

circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevensun,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 532, (House Bill No. 550), on third reading, entitled:

An Act to repeal the act approved the twenty-eighth day of March one thousand eight hundred and seventy-eight (P. L. 9) entitled "An act relative to the employment of females in hotels taverns saloons and eating houses or other places for the sale of intoxicating and other drinks and the penalty for the violation thereof"

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 575, as follows:

An Act to further amend sections 1 2 and 7 of the act approved the third day of June one thousand nine hundred and eleven (P. L. 639) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by defining certain terms imposing certain additional duties upon the State Board of Medical Education and Licensure making provision for

graduate students from other states territories and Canada and providing for automatic suspension of registration in case of mental incompetency

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That sections 1 2 and 7 of the act approved the third day of June one thousand nine hundred and eleven (P. L. 639) entitled as amended "An act relating to the right to practice medicine and surgery in the Commonwealth of Pennsylvania and providing a Bureau of Medical Education and Licensure as a Bureau of the Department of Public Instruction and means and methods whereby the right to practice medicine and surgery and any of its branches may be obtained and exemptions therefrom and providing for an appropriation to carry out the provisions of said act and providing for revocation and suspension of licenses by said bureau and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as variously amended are hereby further amended to read as follows

[Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after January first nineteen hundred and twelve it shall not be lawful for any person in the State of Pennsylvania to engage in the practice of medicine and surgery or to hold himself or herself forth as a practitioner in medicine and surgery or to assume the title of doctor of medicine and surgery or doctor of any specific disease or to diagnose diseases or to treat diseases by the uses of medicine and surgery or to sign any death certificate or to hold himself or herself forth as able to do so excepting those hereinafter exempted unless he or she has first fulfilled the requirements of this act and has received a certificate of licensure from the Bureau of Medical Education and Licensure created by this act which license shall be properly recorded in the office of the Superintendent of Public Instruction at Harrisburg]

[On first offense any person wilfully violating the provisions of this section of this act shall upon conviction be deemed guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison or both or either at the discretion of the court on second offense shall be subject to a fine of not less than five hundred or more than one thousand dollars and imprisonment for not less than six months or more than one year at the discretion of the court Provided That this section shall not apply to those persons who under the laws of the Commonwealth at the date of the passage of this act have been accorded the right by a licensing certificate to diagnose and treat disease medically and surgically and to sign the form of death certificate required by laws of this Commonwealth or who are exempt therefrom by further provisions of this act]

Section 1 Short Title and Definitions Be it enacted that (a) This act shall be known and may be cited as the "Medical Practice Act"

(b) The term "board" as used in this act shall mean the State Board of Medical Education and Licensure in the Department of Public Instruction originally known as the Bureau of Medical Education and Licensure but later created appointed and organized in accordance with the provisions of the Administrative Code

(c) The term "medicine and surgery" as used in this act shall mean the art and science having for their object the cure of diseases of and the preservation of the health of man including all practice of the healing art with or without drugs except healing by spiritual means or prayer

(d) The term "Healing Art" as used in this act shall mean the science of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body

[Section 2 For the purpose of carrying out and enforcing the provisions of this act there shall be established in this Commonwealth a Bureau of Medical Education and Licensure to be attached to the Department of Public Instruction The said bureau shall consist of seven members two of whom the Superintendent of Public Instruction and the Commissioner of Health shall be ex officio members thereof the five remaining members shall be appointed by the Governor of the Commonwealth who shall appointed the same on or before September first nineteen hundred and eleven The said five members so appointed shall be selected from and at present legally incorporated State medical societies of the State of Pennsylvania namely one from the Medical Society of the State of Pennsylvania one from the Homeopathic Medical Society of the State of Pennsylvania and one from the Eclectic Medical Society of the State of Pennsylvania and who at the time of their appointment are licensed and qualified under the existing laws of this Commonwealth to practice medicine and surgery and who shall have practiced the same in this Commonwealth for a period of not less than ten years prior to their respective appointments And provided That the two remaining members shall not be of the same school or system of practice Two members of the bureau first appointed under this act shall serve for one year two for two years and one for three years after which the successor of each member shall be appointed for the term of three years but no member of said bureau shall be a member of the faculty of any undergraduate school college or university teaching medicine and surgery The Governor shall furnish each person appointed with a certificate of appointment under the seal of this Commonwealth He shall fill any vacancies caused by death resignation or otherwise and shall have the power to remove any appointed member of the said bureau for continued neglect of the duties which he may be required to perform as a member of the bureau or for any unprofessional or dishonorable conduct upon receiving proper proof of the same Appointment to fill vacancies occurring through death resignation or otherwise shall be for the unexpired term of the deceased or retiring member]

Section 2 Practice of Medicine and Surgery Without License Prohibited Penalties It shall not be lawful for any person in the State of Pennsylvania to engage in the practice of medicine and surgery or pretend to a knowledge of any branch or branches of medicine and surgery or to hold himself or herself forth as a practitioner in medicine and surgery or to assume the title of doctor of medicine and surgery or doctor of any specific disease or to diagnose diseases or to treat diseases by the use of medicines and surgery as defined in Section 1 (c) of this act or by any other means or to sign any death certificate or to hold himself or herself forth as able to do so excepting those hereinafter exempted unless he or she has first fulfilled the requirements of this act and has received a certificate of licensure from the board which license shall be properly recorded in the office of the Superintendent of Public Instruction at Harrisburg

On first offense any person wilfully violating the provisions of this section of this act shall upon conviction be deemed guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison or both or either at the discretion of the court on second offense shall be subject to a fine of not less than five hundred nor more than one thousand dollars and imprisonment of not less than six months nor more than one year at the discretion of the court Provided That this section shall not apply to those persons who under the laws of the Commonwealth at the date of passage of this act have been accorded the right by a licensing certificate to diagnose and treat disease medically and surgically and to sign the form of death certificate required by the laws of this Commonwealth or who

are exempt therefrom by further provisions of this act

Section 7 License Certificates Exemptions Nonresident Practitioners Graduate Students Annual Registration Automatic Suspension in Case of Mental Incompetency Unlawful Practice (a) All persons who have complied with the requirements of the rules and regulations of the board and who shall have passed a final examination and who have otherwise complied with the provisions of this act shall receive from the Department of Public Instruction acting for the said board a licensing certificate entitling them to the right to practice medicine and surgery or [special] branch or branches of medicine and surgery as provided for in section six of this act in this Commonwealth which said license certificate shall be duly [registered] recorded in the office of the Department of Public Instruction of this Commonwealth in a record book to be properly kept for that purpose and which shall be open to public inspection and a certified copy of said record shall be received as evidence in all courts in this Commonwealth in the trial of any case Provided That this section relating to certificates to practice medicine and surgery shall not apply to officers in the regular medical service of the United States Army and Navy or in the United States Public Health and Marine Hospital Service while in discharge of their official duties or to any one who may be a duly [registered] licensed practitioner of medicine in any State or Commonwealth who may be called upon by a licensed and registered physician of this Commonwealth to consult with him in a case under treatment or to physicians of other jurisdictions who are in training for certification in special departments of medicine and surgery under clause (b) of this section or to any one while actually serving as a student intern under the supervision of the medical or surgical staff in any legally incorporated hospital or State hospital And provided further That any duly [registered] licensed practitioner of medicine residing in any State near the boundary line between said State and this Commonwealth whose practice extends into this State shall have the right to practice in this Commonwealth at the discretion of the board provided he files with the [Secretary of the Board of Medical Education and Licensure] secretary of the board [of this Commonwealth] a certified copy of his [registration] license in the State where he resides and provided that the Board of Examiners of the adjoining State reciprocate by extending the same privilege to practitioners of medicine and surgery in this Commonwealth in which case he shall receive from the secretary of the board created by this act a licensing certificate [issued by the said board but] which shall be automatically revoked if he changes his said residence or office of practice A record of all persons so licensed shall be kept in the archives of the Department of Public Instruction at Harrisburg and shall have the standing before the law of any other license issued by the said department for the [Board of Medical Education and Licensure] board In these records shall be registered the names and addresses of each person duly qualified to conduct the practice of medicine and surgery or any of [the allied] its branch or branches of the healing art as provided for in this act in Pennsylvania

(b) Physicians who are legally authorized to practice medicine and surgery in other states and territories of the United States and the Dominion of Canada or physicians from such jurisdictions who have passed the examination of the National Board of Medical Examiners and who are in training for certification in special departments of medicine and surgery in institutions in this Commonwealth recognized either by the board or the various examining boards in medical specialties approved by the Council on Medical Education and Hospitals of the American Medical Association as proper for such training shall receive a special certificate that is limited to said training and for the period of time required for this training after the payment of a nominal fee established by the Department of Public Instruction and shall thereupon report

annually to the board until the course is completed

If such a physician desires to remain in Pennsylvania and practice medicine and surgery after completion of the course a certificate to practice medicine and surgery under this act shall be issued provided the applicant shall have met all the requirements of this act and shall have paid a fee established by the Department of Public Instruction for such license

(c) And it shall be the duty of all persons now qualified and engaged in the practice of medicine and surgery or any [of the allied] branch or branches thereof [of the healing art] provided for in this act or who shall hereafter be licensed by the Department of Public Instruction for the [Board of Medical Education and Licensure] board to engage in such practice in the Commonwealth of Pennsylvania to be registered with the said [Board of Medical Education and Licensure] board as practitioners on or before the first day of January one thousand nine hundred and twenty-six and thereafter to register in like manner annually on or before the first day of January of each succeeding year The form and method of such registration shall be provided for by the said [Board of Medical Education and Licensure] board in such manner as will enable the [Board of Medical Education and Licensure] board to carry out into effect the purposes of this act

Each person so registering with the [Board of Medical Education and Licensure] board shall pay for each annual registration and for the certificate hereinafter provided for a fee of one dollar or such other sum as may be fixed by the Department of Public Instruction under authority of law which fee shall accompany the application for such registration The money thus received shall be paid into the State Treasury for the use of the Commonwealth

Upon receiving a proper application for such registration accompanied by the fee above provided for the Department of Public Instruction acting for said [Board of Medical Education and Licensure] board shall issue its certificate of registration to the applicant Said certificate together with its renewals shall be good and sufficient evidence of registration under the provisions of this act And the Department of Public Instruction shall be required to publish biennially a list of the persons so registered

(d) The registration to practice medicine and surgery shall be automatically suspended upon the legal commitment to an institution of a licensed physician because of mental incompetency from any cause upon filing with the Department of Public Instruction a certified copy of such commitment Restoration of such registration shall be made in accordance with section eight of this act as in the case of revocation or suspension of licensure

(e) Any person who shall practice medicine and surgery or any of [the allied] its branches [of the healing art] which come under the provisions of this act without having been registered in accordance with the provisions of this act shall on conviction thereof before any magistrate alderman or justice of the peace in the county where the offense shall have been committed be subject to a fine of not less than ten dollars and not more than one hundred dollars to be collected by summary conviction as like fines are now collected by law or in case of nonpayment of the fine to undergo an imprisonment in the county jail for a period not exceeding ten days Provided That any person so convicted shall have the right of appeal as in any other case of summary conviction

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanias,	Taylor,
Bartlett,	Edmonds,	Letzler,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Ealv.
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 653, on third reading, entitled:

An Act regulating and improving the civil service of certain departments and agencies of the Commonwealth, vesting in the State Civil Service Commission and a Personnel Director certain powers and duties providing for classification of positions adoption of compensation schedules and certification of payrolls, imposing duties upon certain officers and employes of the Commonwealth, authorizing service to political sub-divisions of the Commonwealth in matters relating to civil service defining certain crimes and misdemeanors imposing penalties and making an appropriation and repealing certain acts and parts thereof

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 654, on third reading, entitled:

An Act to amend sections two hundred two and four hundred fifty-two of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant-Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards, and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended in order to establish the State Civil Service Commission as a departmental administrative commission in the Executive Department

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 680, (House Bill No. 869), as follows:

An Act to amend the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" by extending enlarging and removing the limitations from the class of those who may become chattel mortgagees by making further provision respecting fees of recorders of deeds in connection with chattel mortgages extension of the lien of said mortgages and defaults of said mortgages and by defining violations and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the fifteenth day of July one thousand nine hundred thirty-six (P. L. First Extraordinary Session 47) entitled "An act to enable persons associations partnerships and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments regulating the assignment and release of such mortgages and designating the operation and effect of the lien of such mortgages" is hereby amended to read as follows

Section 1 That any person association partnership or corporation may enter into an agreement for the repayment of any funds borrowed or of any then existing indebtedness evidenced by a bond containing a confession of judgment secured by a chattel mortgage upon any chattel or chattels of any kind or description Such mortgage shall be a lien against the chattel or chattels thereby conveyed and shall be good and available in law against any subsequent purchasers or execution creditors upon the recording thereof as hereinafter directed Such mortgage must be in writing signed by the mortgagor or his agent duly authorized and constituted and duly acknowledged by some person authorized to take acknowledgment of deeds Provisions contained in such chattel mortgage that property of the same class as is covered by the chattel mortgage shall be included in the mortgage lien if acquired by the mortgagor subsequent to the execution of the chattel mortgage and prior to its extinguishment and provisions that the chattel mortgage may secure future advances to be made by the mortgagee at his option within a period of three (3) years from the execution of such chattel mortgage but not to exceed in the aggregate an amount stated in said chattel mortgage and that all advances so made shall be secured by such chattel mortgage equally and to the same extent as the amount originally advanced on the security of such mortgage and that all such future advances shall be a lien upon the property therein described from the time of the recording of such chattel mortgage good and valid against and superior to all rights of subsequent creditors purchasers mortgagees and other lienors and encumbrances and any of them and provisions that the chattel mortgage may include replacements of any of the mortgaged property therein described shall be valid and binding

Section 2 Section two of said act is hereby amended to read as follows

Section 2 The chattel mortgage mentioned in the preceding section when executed and acknowledged as here-

inbefore provided shall be recorded in the office for the recording of deeds for the county in which the mortgaged property is actually located at the time of the execution of such chattel mortgage and such recorder is hereby required to index and to record the same at length in a book to be by him kept in his said office to be provided at the expense of said county and to be called "Chattel Mortgage Book" and he shall duly certify the record of all such instruments in the manner provided by law for mortgages on real estate and such recorder shall be entitled to charge and receive for services rendered hereunder such fees as are provided by law for services rendered with respect to mortgages on real estate

Such chattel mortgage shall except between parties thereto take effect and be valid only from the time of recording as herein provided and in case of more than one chattel mortgage the first recorded shall have preference and be first paid out of the proceeds of the sale of the property mortgaged. Such mortgage shall remain a lien on the mortgaged property as between the parties thereto until paid but as to third parties shall not remain a lien for a longer period than five (5) years unless the lien thereof is extended by the filing prior to the expiration of said lien with the recorder of deeds of the affidavit of the mortgagee or his successor in interest stating the amount then secured by the lien in which case the said mortgage shall remain a lien for an additional period of five (5) years from the date of the filing of such affidavit. The lien of any mortgage may be further extended with like effect by the filing of successive like affidavits. A notation of the filing of such affidavit and extension of lien shall be made on the margin of the original record of the chattel mortgage in the office of the recorder of deeds.

Section 3 The said act is hereby amended by adding after section five the following new sections

Section 5.1 If the mortgagor without the consent of the mortgagee shall substantially injure the chattel or chattels subject to the mortgage or conceal or purport to sell or otherwise dispose of them or any substantial part of them under claim of full ownership or otherwise by his act or wilful neglect substantially impair the value of the agreed security save insofar as is consistent with reasonable use of the chattel or chattels such action shall constitute default. But unless otherwise provided in the instrument the injury or destruction of the chattel or chattels without fault of the mortgagor shall not constitute default and such injury or destruction occurring before final sale on foreclosure shall not discharge the mortgagor from any obligation secured for which he is personally liable.

Section 5.2 When prior to release or satisfaction of the mortgage the mortgagor maliciously or with intent to defraud and without consent of the mortgagee (a) shall conceal all or any substantial portion of the chattel or chattels subject to the mortgage or remove them from the county in which they are located at the time of the execution of the mortgage or shall procure or be a party to such concealment or removal and (b) shall thereafter or in conjunction therewith purport to sell or otherwise dispose of such chattel or chattels under claim of full ownership he shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo an imprisonment not exceeding one (1) year or both.

Section 4 This act shall become effective immediately upon its final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bartlett,	Farrell,	Miller,	Tyler,
Becker,	Frey,	Ruth,	Wade,
Carr,	Geltz,	Scarlett,	Watkins,

Chapman,	Haluska,	Snowden,	Wilson, H. I.,
Coleman,	Heyburn,	Stevenson,	Wilson, T. B.,
Cox,	Homsher,	Stiefel,	Woodward,
Orider,	Kephart,	Tallman,	Ziesenheim,
Crowe,	Lantus,	Taylor,	Ealy,
Deltrick,	Mallery,	Thomas,	Pres. Pro. Tem.
Edmonds,	McCreesh,		

NAYS—6

Barr,	DiSilvestro,	Jaspan,	McQuiddy,
Dent,	James,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. HOMSHER. Mr. President, I ask unanimous consent that Senate Bill No. 694, (House Bill No. 1175), on third reading, entitled:

An Act to amend section six hundred fifteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" excepting certain repairs and alterations to school buildings from requirement of approval by State Council of Education

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 703, (House Bill No. 803), as follows:

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in dance houses or in concert saloons theaters or places of entertainment where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in taprooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 643 Certain Employment of Minors in Dance

Houses] [Theatres and Saloons] (a) Whoever having the care custody or control of any minor under the age of fifteen [(15) eighteen (18) years sells gives away or permits such child to sing dance act or exhibit in any dance house or in any concert saloon [theatre] theater or place of entertainment where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance or being the proprietor of any dance house or any such concert saloon theater or place of entertainment employe any such minor is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding three (3) months

(b) Whoever having the care custody or control of any minor under the age of eighteen (18) years sells gives away or permits such child to sing dance act or exhibit in any tap room club cafe restaurant and eating house where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance or being the proprietor of any tap room club cafe restaurant and eating house where wines or spirituous or malt liquors are sold or given away or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance employes any such minor is guilty of a misdemeanor and upon conviction thereof in a summary proceeding shall be sentenced to pay a fine not exceeding two hundred dollars (\$200) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding six (6) months

(c) Whoever being a minor shall misrepresent his or her age for the purpose of evading the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding twenty-five dollars (\$25) and in default in the payment of such fine and costs shall be sentenced to imprisonment not exceeding one (1) month

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Barr,	DiSilvestro,	Mallery,	Thomas,
Bartlett,	Edmonds,	McCreesh,	Tyler,
Becker,	Farrell,	McQuiddy,	Wade,
Carr,	Frey,	Mjller,	Watkins,
Chapman,	Geltz,	Ruth,	Wilson, H. I.,
Coleman,	Heyburn,	Scarlett,	Wilson, T. B.,
Cox,	Homsher,	Snowden,	Woodward,
Cridder,	James,	Stevenson,	Ziesenheim,
Crowe,	Jaspan,	Stiefel,	Enay,
Detrick,	Kephart,	Tallman,	Pres. Pro. Tem.
Dent,	Lanius,	Taylor,	

NAYS—1

Haluska,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. COLEMAN. Mr. President, I ask unanimous consent that Senate Bill No. 710, on third reading, entitled:

An Act to amend section six hundred twenty-nine of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the time for filing nomination certificates and nomination papers nominating candidates at special elections

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 711, as follows:

An Act to amend section four hundred fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further regulating the appointment of overseers of election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four hundred fifteen of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows

Section 415 Overseers of Election On the petition of five or more duly registered electors of any election district setting forth that the appointment of overseers is a reasonable precaution to secure the purity and fairness of any primary or election in said district it shall be the duty of the court of common pleas of the proper county if it shall be of the opinion that such action is necessary or advisable all the law judges of the said court able to act at the time concurring to appoint two judicious sober and intelligent electors of the said district belonging to different political parties overseers of election to supervise the proceedings of election officers thereof and to make report of the same as they may be required by

such court Said overseers shall be persons qualified to serve upon election boards but shall not be required to comply with the provisions of section 414 of this act. They shall be sworn or affirmed by the judge of election to the faithful discharge of their duties and each shall sign said oath in duplicate and shall have the right to be present with the officers of such primary or election within the enclosed space during the entire time the same is held the votes counted and the returns made out and signed by the election officers to keep a list of voters if they see proper to challenge any person offering to vote and interrogate him and his witnesses under oath in regard to his right of suffrage at said primary or election and to examine his papers produced. Overseers shall sign returns of elections as hereinafter required. Whenever the members of an election board shall differ in opinion the overseers if they shall be agreed thereon shall decide the question of difference.

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. BARR. Mr. President, I desire to make a few remarks concerning this bill. At present the overseer's act is a compulsory act which has worked satisfactorily for years. This bill, as it is drawn now, makes the appointment of overseers optional with the courts.

Mr. President, I am one person not convinced that judges are not sometimes political, particularly at election times, when they are more liable to be politically minded. This act has worked satisfactorily as a compulsory act and I do not see why we should change it; if we pass this bill, would make it an optional act.

Mr. FARRELL. Mr. President, I can not agree with my good friend from Allegheny. The previous bill was drafted in 1874 and in those days there were no watchers. Today we have watchers and it makes it mandatory upon the court to appoint overseers. In a city like Philadelphia you can go in to court two days before election and ask the court to appoint over thirteen hundred overseers and they must do it. This simply makes it optional with the court; they can appoint them or not. A great many county leaders, both Republican and Democratic, have asked me to present this bill. After a careful study I am convinced it is a good bill.

Mr. DENT. Mr. President, as I understand the bill it is not restricted to Philadelphia County.

Mr. FARRELL. That is correct, Mr. President.

Mr. DENT. Many times, Mr. President, a condition arises where overseers are requested, and if we give the court the right to reject a request, I am not one who yet believes the courts are divorced from politics. Out where I come from they still have Democratic and Republican judges, and I would hate to see them turn down a request for overseers at some election because the Republicans requested them, because out where I come from we have Democratic judges. The condition might be reversed, where we would have Republican judges, and I do not think it is wise to give them discretionary power. I think up to date the mandatory power has been working well and when overseers are requested, by law they have to give them to us, and I think in order to keep elections straight and clean, we should get overseers when we think we need them.

Mr. WOODWARD. Mr. President, speaking very practically, in Philadelphia County we have a super-abun-

dance of watchers and since this bill is in the interest of economy certainly the court does not have to appoint overseers. Personally, I do think duly qualified officers of election ought to be sufficiently honest to count the votes and behave themselves. We now have watchers to watch those gentlemen, and we have overseers, and I had a bill calling for the appointment of several examiners, which I fortunately lost, perhaps, so that we are well supplied with detectives, and therefore in the interest of economy I think we should support this bill.

Mr. DENT. Mr. President, I have no objection, if Philadelphia feels they can get along without overseers, I will vote for a bill to restrict this procedure to the County of Philadelphia and I will be glad to do so, but out where I come from we do not have sufficient funds with which to hire watchers in every district. We just do it at times; we do not man the polls like you do in Philadelphia, where I understand, you have one or two watchers for every one or two voters; we do not work it that way. If you want a bill for Philadelphia, I will go along with that, but I do not think you should make us take it if we do not want it.

Mr. KEPHART. Mr. President, the law was previously if five or more duly registered electors of any election district ask for overseers the Common Pleas Court shall appoint them, if all the judges concur.

Now, Mr. President, if the Common Pleas Court and all the judges must concur as to appointing these overseers, I do not see any reason for having the Court there at all. Why not just eliminate the Court? But, Mr. President, if we are going to have the Court there with whom you can file a petition, certainly you should give it discretion as to whether or not those overseers are necessary or advisable, so that they can turn the petition down if they do not think they are necessary and thus save the county that much money.

Mr. BARR. Mr. President, I do not think that judges have the knowledge of whether an overseer is needed in some districts and that is my reason for objecting to the bill. The gentleman from Philadelphia, Mr. Farrell, spoke about watchers. A watcher is far different from an overseer. An overseer is allowed behind the rail where he can see if there is anything wrong and a watcher is out in front and I do not think he can tell very much.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Bartlett,	Farrell,	Mallery,	Tyler,
Becker,	Geltz,	Miller,	Wade,
Carr,	Haluska,	Scarlett,	Wilson, H. I.,
Chapman,	Heyburn,	Snowden,	Wilson, T. B.,
Crider,	Homsher,	Stevenson,	Woodward,
Crowe,	James,	Tallman,	Ziesenheim,
Deitrick,	Jaspan,	Taylor,	Ealy,
DiSilvestro,	Kephart,	Thomas,	Pres. Pro. Tem.
Edmonds,			

NAYS—10

Barr,	Dent,	McQuiddy,	Stiefel,
Coleman,	Frey,	Ruth,	Watkins,
Cox,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 715, on third reading, entitled:

An Act to repeal certain obsolete acts relating to paupers and the management, control and operation of poor districts

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 814, (House Bill No. 1190), as follows:

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 For the purpose of this act a coal stripping operation shall mean any operation in which the earth and rock cover over-lying a coal vein are removed by mechanical means or by hand for the purpose of recovering mining or removing coal thereunder.

Section 2 This act shall apply to every coal stripping operation in the Commonwealth of Pennsylvania where three or more persons are employed or engaged at work. The Department of Mines shall have exclusive jurisdiction over all coal stripping operations in this Commonwealth. Any mine inspector directed by the Department of Mines shall have the right to enter upon and inspect all such stripping operations for the purpose of determining the conditions of safety.

Section 3 Each operator of a coal stripping operation shall furnish the mine inspector in whose district the operation is located a map or plan on a scale of one hundred (100) feet to the inch showing the location of said operation with respect to the land lines of adjoining properties a monthly report of coal produced number of employees and days worked also reports of all fatal and non-fatal accidents. An annual report shall be furnished to the Secretary of Mines on forms provided for the purpose not later than the fifteenth day of January each year for the preceding year.

Section 4 All coal stripping operations coming within the provisions of this act shall be conducted in compliance with such reasonable rules and regulations as may be deemed necessary by the Secretary of Mines for the health and safety of those persons engaged in such work. The Secretary of Mines through the mine inspectors shall have the authority and power to enforce the provisions of this act and the rules and regulations promulgated thereunder by him.

Section 5 Any person, firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and costs not more than one hundred dollars (\$100.00) and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten (10) days.

Section 6 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Section 7 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court as to those provisions shall not affect the validity of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provision or provisions not been included herein.

Section 8 The provisions of this act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 823, on third reading, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts," as amended further providing for the powers liabilities and immunities and limitations upon the powers and liabilities of corporations or persons authorized to engage in a banking or fiduciary business or both and affiliates of such corporations or persons and of officers directors trustees and employees of such corporations and persons

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 835, (House Bill No. 1435), on third reading, entitled:

An Act to authorize housing authorities to undertake the development or administration of projects to provide safe and sanitary dwellings for persons engaged in national defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell or lease certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to declare valid all bonds, notes and obligations of housing authorities issued for projects heretofore undertaken to provide safe and sanitary dwellings for persons engaged in national-defense activities.

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 836, (House Bill No. 1438), entitled:

An Act to provide that bonds and other obligations issued by any public housing authority or agency in the United States shall be security for all public deposits and negotiable, and legal investments for the State and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries.

And said bill having been read at length the third time, And the amendments made thereto having been printed

as required by the Constitution,

On the question,

Will the Senate agree to the bill?

RECONSIDERATION OF SENATE BILL No. 836, (HOUSE BILL No. 1438)

Mr. BARR. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 836, (House Bill No. 1438), passed second reading.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. BARR. Mr. President, I vote "aye".

Mr. FARRELL. Mr. President, I second the motion.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. FARRELL. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

The first to the fourth sections inclusive of the bill were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. BARR. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 2, line 6, by striking out after the word "institutions" the words "[building and loan]"; amend Section 1, page 2, line 7, by striking out before the word "savings" the word "[associations]"; amend Section 1, page 2, line 21, by inserting after the words "United States" and before the word "and" the following: "when such bonds or other obligations are secured by a pledge of annual contributions to be paid by the United States Government or any agency thereof".

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth sections were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 837, (House Bill No. 1439), on third reading, entitled:

An Act to declare valid and legal the establishment and organization of housing authorities, all bonds, notes, contracts, agreements, obligations and undertakings of such housing authorities and all proceedings, acts and things heretofore undertaken, performed with reference thereto

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 848, (House Bill No. 358), as follows:

An Act to further amend clauses three and four of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing nomination petitions in certain cases

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 That clauses three and four of subsection (b) of section 913 of the act approved June third one thou-

sand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" as amended by the act of June fifteen one thousand nine hundred and thirty-nine (P. L. 376) are hereby further amended to read as follows

Section 913. Place and Time of Filing Nomination Petitions Filing Fees

* * * *

(b) Each person filing any nomination petition shall pay for each petition at the time of said filing a filing fee to be determined as follows and no nomination petition shall be accepted or filed unless and until such filing fee is paid by a certified check or money order only Said certified checks or money orders shall be made payable to the Commonwealth of Pennsylvania or to the county as the case may be and shall be transmitted to the State Treasurer or to be county treasurer and shall become part of the General Fund

* * * *

3 If for the offices of senator or representative in the General Assembly or for any office to be filled by the electors of an entire county other than jury commissioner associate judge or prison inspector the sum of twenty-five dollars (\$25.00) if for the office of jury commissioner or associate judge the sum of ten dollars (\$10.00) if for the office of prison inspector the sum of two dollars (\$2.00) if for any office to be filled by the electors of an entire city the following sums if in a city of the first or second class twenty-five dollars (\$25.00) if in a city of the second class A fifteen dollars (\$15.00) and if in a city of the third class ten dollars (\$10.00)

If for [the office of associate judge or for] any borough town township school district or poor district office not otherwise provided for the sum of two dollars (\$2.00)

Provided however that no filing fee shall be paid for a nomination petition for any public office for which no compensation is provided by law

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanlus,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Detrick,	Jaspan,	Stiefer,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has

passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 870, as follows:

An Act to amend section one of the act approved the twelfth day of June one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies issued by any company authorized to insure title of which possession may be taken by the Secretary of Banking and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policyholders providing also for the form of such reinsurance and defining the extent of the liability thereunder and also for suits at law to recover thereon" by clarifying the requirements as to amount of reserve to be held by companies selling such reinsurance

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the twelfth day of June one thousand nine hundred thirty-one (P. L. 566) entitled "An act providing for the purchase of reinsurance for the benefit of holders of outstanding policies issued by any company authorized to insure titles of which possession may be taken by the Secretary of Banking and providing further for the use for that purpose of reserve funds accumulated by such companies to protect such policyholders providing also for the form of such reinsurance and defining the extent of the liability thereunder and also for suits at law to recover thereon" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Secretary of Banking shall purchase reinsurance under and by virtue of the authority conferred upon him by section one of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (P. L. 834) entitled "An act requiring all title insurance companies to create and maintain a reserve fixing the amount thereof and regulating the same" he may fulfil this duty by purchasing from a company incorporated under the laws of Pennsylvania with the right to insure title to real estate to owners mortgagees and others and having a title insurance reserve [of the maximum amount] amounting to ten per centum of the premium (that is the sum charged for insurance over and above examination and settlement fees) paid on policies of insurance issued by such company as required by the first section of the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine above recited a blanket policy in the name of the Commonwealth of Pennsylvania for the use of the original policyholders in which blanket policy such title insurance company shall agree that it will on demand of anyone holding an outstanding policy issued by the original company fulfill for such demandant the same obligations as were due to the demandant under the original policy but so far as the amount of recoverable damages is concerned the same shall be limited in accordance with the formula set forth in section two of this act

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanlus,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Baly,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 878, (House Bill No. 1265), as follows:

An Act to amend section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" by changing a certain route

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following route established by section sixty-five of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" is hereby amended to read as follows

Section 65 The township roads to be taken over under the provisions of this act in the County of Westmoreland are those situate and described as follows

* * * * *

Route 64060 Beginning at a county improved road in Waterford and extending in a southerly direction to Willow Grove School thence in a southwesterly direction to the village of Laughlinton on Route 119 [and from Route 119 in a general westerly direction to intersect with Route 64062 thence along and coincident with Route 119 in a general westerly direction to the Hanover Farm School thence intersecting with and coincident with Route 64062 in a general southwesterly direction to a road intersection near Speedwell School thence in a southwesterly direction to the village of Rector thence westerly to and across Route 302 thence in a general northwesterly direction by way of Fairview School to intersection with Route 64075 thence in a general northerly direction down Four Mile Run to the west side of Loyalhanna Creek and thence down said creek to Route 119 at McCance in Westmoreland County a distance of about [13.7] 12.5 miles

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanlus,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Baly,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 881, as follows:

An Act to amend the title and further amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof" authorizing the making of contracts for hospitalization and extending the provisions of the act to vocational school districts and institution districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 844) entitled "An act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts and poor districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the costs thereof" is hereby amended to read as follows

An Act authorizing the Commonwealth of Pennsylvania or any department or division thereof and counties cities boroughs incorporated towns townships school districts [and poor] vocational school districts and institution districts to make contracts of life health and accident policies for the benefit of employes thereof and contracts for pensions for such employes and providing for the payment of the cost thereof

Section 2 Section one of said act as amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 688) is hereby further amended to read as follows

Section 1 Be it enacted Et cetera That the Commonwealth of Pennsylvania or any department or division thereof and any county city borough incorporated town township school district vocational school district or institution district may and are hereby specifically authorized to make contracts of insurance with any [insurance company] insurer authorized to transact business within the Commonwealth insuring its employes or any class or classes

thereof under a policy or policies of group insurance covering life health or accident insurance and may contract with any such company granting annuities or pensions for the pensioning of such employes and for such purposes may agree to pay part or all of the premiums or charges for carrying such contracts and may appropriate out of its treasury any money necessary to pay such premiums or charges or portions thereof

The proper officer agency board or commission of any of the above political divisions or subdivisions having authority to enter into such contracts of insurance are hereby authorized enabled and permitted to deduct from the employe's pay salary or compensation such part of the premium as is payable by the employe and as may be so authorized by the employe in writing and to remit such collections in full to the insurer issuing the master contract

Section 3 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McCreesh,	Tyler,
Carr,	Frey,	McQuiddy,	Wade,
Chapman,	Geltz,	Miller,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ziely,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 905, as follows:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rents leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey

or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entreties and the one spouse has been declared weak-minded or mentally incompetent

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rents leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of road streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may not have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercises may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State

have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustees to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as last amended by section one of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2659) is hereby further amended to read as follows

Section 2 The several courts aforesaid shall exercise the jurisdiction conferred by section one of this act in all cases

(a) Where the legal title is held (One) By minors lunatics or habitual drunkards so duly found by inquisition or by weak-minded persons for whom guardians have been appointed (Two) By a wife whose husband is a minor or by a married minor whose spouse is a minor or by a married woman or married man whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years or who is one of the tenants of an estate by entireties and whose spouse the other tenant of such estate by entireties has been absent and unheard of for seven years under those circumstances from which the law would presume his or her decease (Three) By corporations of any kind having no capacity to convey or by any unincorporated association (Four) By any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or now or hereafter prescribed by law (Five) By a corporation of any kind or individual or individuals and is subject to a trust of any description whatever (Six) By any person who may have been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease (Seven) Or any interest therein is held by any person under legal disability to dispose thereof (Eight) By a husband and wife as tenants by the entireties and either spouse has been declared a weakminded or mentally incompetent person and the spouse who is of sound mind joins in the petition to the court

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chadman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 912, as follows:

An Act to further reenact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (P. L. 86) entitled as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to apples

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The title and entire act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (P. L. 86) entitled as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" which were reenacted and amended by the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1005) are hereby further reenacted and amended to read as follows

An Act relating to the grading and sale of grapes apples and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "closed package" wherever used in this act shall mean a basket box bag or other container the contents of which cannot be adequately inspected without opening it The terms "shipment" or "ship for sale" wherever used in this act shall mean movement to market in a railroad car motor truck or other medium of transportation but shall not be construed to include process of delivery to a local warehouse or shipping station

Section 2 The Secretary of Agriculture of the Department of Agriculture of this Commonwealth is hereby authorized and empowered after investigation to establish and promulgate official standards of quality for grading classifying and packing grapes apples and potatoes and to change any of them from time to time The official standards so established and promulgated shall be the same in their requirements as the requirements of the official standards for corresponding grades of grapes apples or potatoes as promulgated from time to time by the Secretary of Agriculture of the United States which standards are commonly known as "United States Grades"

From and after the establishment of specific grades or standards of quality as hereinbefore provided grapes apples and potatoes in closed packages shall not be shipped for sale or thereafter sold or exposed for sale except by the grades or standards so established Provided however That grapes apples and potatoes not graded and classified as to quality may be shipped for sale or sold exposed for sale as "unclassified" if so marked in a conspicuous manner in accordance with rules to be adopted by the Secretary of Agriculture of the Department of Agriculture or this Commonwealth as hereinafter provided

Section 3 Grapes apples and potatoes in closed packages if not definitely marked as unclassified as hereinbefore provided shall prior to shipment be marked in a plain and conspicuous manner with a statement of (1) the grade (2) the contents in cubic measure or weight (3) the name and address of the person or association under whose authority the grapes apples or potatoes are packed

In case the marking is changed the person making the same shall cancel the name and address included in the original marking and substitute therefor his own name and address

Section 4 (a) No person shall sell expose for sale or transport for sale grapes apples or potatoes in closed packages if the package containing them the label on them or any advertising accompanying them shall bear any statement design or device regarding the grapes apples or

potatoes which shall be false or misleading in any particular

(b) No person shall sell expose for sale or transport for sale in closed packages grapes apples or potatoes packed in such manner that the face or shown surface shall not be an average of the contents of the package

(c) When grapes apples or potatoes in closed packages are delivered to a common carrier for shipment such delivery shall be presumptive evidence that the grapes apples or potatoes are intended for sale

Section 5 Any person who violates any of the provisions of this act shall upon summary conviction thereof for the first offense be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution or in default of such fine and costs be imprisoned in the county jail for not less than ten day nor more than thirty days All penalties costs and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth or his agent and by him shall be paid into the State Treasury for the use of the Commonwealth

Section 6 The enforcement of this act shall be vested in the State Department of Agriculture and its officers employees and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes apples or potatoes and securing evidence of violation of this act and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions

Section 7 This act as amended shall take effect July first one thousand nine hundred and forty-one

Section 8 All acts and parts of acts inconsistent with this act are repealed

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bartlett,	DiSilvestro,	Lanius,	Taylor,
Barr,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 923, (House Bill No. 943) on third reading, entitled:

An Act to reenact and amend section 441 of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing boards of

county commissioners except in counties of the second class to appropriate county moneys for the support of charitable hospitals

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 934, on third reading, entitled:

An Act requiring recorders of deeds to accept and record deeds prior to registry, where registry is required, and to have the same registered; and fixing fees therefor

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 941, (House Bill No. 276) as follows:

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The Central State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 The sum of seven hundred fifty-nine thousand one hundred twenty-one dollars (\$759,121) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Property and Supplies for the use of the The Pennsylvania State College for the two fiscal years beginning June first one thousand nine hundred forty-one for the payment of annual rates rentals and other charges for the use and occupancy or the right to use or occupy the projects structures buildings and facilities leased by The General State Authority to the Pennsylvania State College or for services rendered by the Authority or its projects Payment of such annual rates rentals and other charges shall be made in equal monthly or quarterly installments or otherwise as required by the respective leases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	Mallery,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deltrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HOUSE MESSAGES

JOINT SESSION

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 11, 1941.

Resolved (if the House of Representatives concur), That the Senate and the House of Representatives meet in joint session Wednesday, June 11, 1941, at 4:00 p. m. o'clock (Eastern Standard Time), in the Hall of the House of Representatives for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

He also informed the Senate that the House has concurred in Resolution from the Senate as follows:

In the Senate, June 11, 1941.

Resolved (if the House of Representatives concur), That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency, the Governor, to the Hall of the House to address the Members of the General Assembly in Joint Session this day at four o'clock, p. m. (Eastern Standard Time).

JOINT SESSION

The PRESIDENT PRO TEMPORE. The Chair is informed His Excellency the Governor is now ready to address a Joint Session of the House and Senate. The Senate will now therefore recess in order to hear the address of the Governor.

RECESS

Mr. GELTZ. Mr. President, I move that the Senate do now take a recess in order to hear the address of His Excellency the Governor.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO TEMPORE. The time of recess having elapsed the Senate will be in order.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 964, (House Bill No. 940) on third reading, entitled:

An Act to amend section 1202 by adding clause LX of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" authorizing boroughs to appropriate moneys for the support of hospitals

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1020 as follows:

An Act to amend section four of the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property" by further regulating the terms of such compromise or private sale and the distribution of the proceeds thereof

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section four of the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 787) entitled "An act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property" is hereby amended to read as follows

Section 4 If after such hearing the court is satisfied that the proposed compromise or private sale is proper and to the advantage of all the taxing authorities interested it shall enter a decree approving such compromise settlement private sale or such other settlement as the court may find to be proper and directing a conveyance of such property to the person or persons with whom the agreement has been made upon the payment of the agreement amount or such amount as the court may approve and all costs of the proceeding The proceeds of such compromise or private sale shall be distributed to the respective taxing authorities in proportion to the face amount of the taxes due and owing to each taxing authority The title conveyed shall be free and clear of all tax liens but shall not discharge any other liens not discharged by the tax sale

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanios,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Halaska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevensen,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1033, (House Bill No. 1355), on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred eleven (P L 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" changing the term of county and district superintendents.

be recommitted to the Committee on Education for the purpose of further consideration.

Mr. WOODWARD. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. DENT and were as follows, viz:

YEAS—30

Barr,	Edmonds,	McCreesh,	Tyler,
Bartlett,	Farrell,	Scarlett,	Wade,
Carr,	Geltz,	Snowden,	Watkins,
Chapman,	Heyburn,	Stevenson,	Wilson, H. I.,
Cox,	Homsher,	Tallman,	Woodward,
Crider,	James,	Taylor,	Ziesenheim,
Crowe,	Kephart,	Thomas,	Ealy.
Deitrick,	Mallery,		Pres. Pro. Tem.

NAYS—10

Becker,	DiSilvestro,	Jaspan,	Mundy,
Coleman,	Frey,	Lanius,	Ruth,
Dent,	Haluska,		

So the question was determined in the affirmative.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1052, (House Bill No. 849), entitled:

An Act to further amend the act approved the nineteenth day of July one thousand nine hundred thirty-five (P L 1356) entitled "An act to regulate the sale and delivery of solid fuels as herein defined providing for appointments of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties" further regulating the issuing to and revocation and suspension of licenses of weighmasters requiring the use of suitable scales regulating the issuing use and keeping of weighmasters' certificates conferring powers and imposing duties upon state city and county inspectors of weights and measures and the Department of Internal Affairs declaring certain proofs to constitute prima facie evidence of a violation of the act extending the provisions of said act to cases heretofore exempted and prescribing additional and increased penalties.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill on third reading?

Mr. DEITRICK. Mr. President, I ask unanimous consent to offer amendments.

The PRESIDENT PRO TEMPORE. Is there objection?

Mr. HEYBURN. Mr. President, I object.

RECONSIDERATION OF SENATE BILL NO. 1052,
(HOUSE BILL NO. 849)

Mr. DEITRICK. Mr. President, I move that the vote by which Senate Bill No. 1052, (House Bill No. 849), passed second reading be reconsidered.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. DEITRICK. Mr. President, I voted "aye."

Mr. JAMES. Mr. President, I second the motion.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. JAMES. Mr. President, I voted "aye."

On the question,

Will the Senate agree to the motion?

Mr. JASPAN. Roll call, Mr. President.

POINT OF INFORMATION

Mr. MUNDY. Mr. President, I rise on a point of information.

The PRESIDENT PRO TEMPORE. The gentleman from Luzerne will state his point of information.

Mr. MUNDY. Mr. President, Are we about now to vote on the amendments or on the bill?

The PRESIDENT PRO TEMPORE. The question before the Senate is will the vote by which Senate Bill No. 1052, (House Bill No. 849), passed second reading be reconsidered.

Mr. COLEMAN. Mr. President, will the Chair suspend the calling of the roll and permit me to make a brief statement.

THE PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none. The Senator from Lackawanna will proceed.

Mr. COLEMAN. Mr. President, I would like to suggest that the motion to reconsider the vote by which this bill passed second reading is in effect prejudging the amendments the gentleman from Northumberland proposes to offer. I think he is entitled to have the amendments submitted; certainly he is entitled to be given the courtesy of an opportunity to submit the amendments. If after listening to the reading of the amendments any Senator desires to vote against the amendments he certainly has that privilege, but I must certainly think that it is a trifle discourteous, to say the least, to refuse the gentleman from Northumberland permission to offer amendments which might have the effect of permitting some of us who would like to vote for the bill, if it had a qualifying amendment, to vote for it. In its present form of course, I shall have to vote against it.

Mr. STIEFEL. Mr. President, I would not construe this vote "no" as a discourtesy to the gentleman from Northumberland. This bill has been constantly amended, and in view of the fact that the session is about to end—I am optimistic, of course—further amendments may amount to a kiss of death. If we keep on amending this bill it will be tantamount to killing the bill and for that reason I will be constrained to vote "no" because in my opinion it would not be acted on for a long time.

Mr. JASPAN. Mr. President, I am not familiar at all with the amendments as proposed by my friend from Northumberland, Dr. Deitrick. However, I do feel that in the city of Philadelphia there is a need for stringent regulation

for an increase in the penalty, so as to prevent a further repetition of violation of the law, in so far as the consumer is concerned, because again and again he has been "gypped" by these companies selling coal, these independent operators selling from house to house, and the penalties were very slight. However, Mr. President, under this bill the penalties have been increased considerably and certainly will act more or less as a check to protect the poor consumer of coal.

The PRESIDENT PRO TEMPORE. The Chair reminds the Senators the only question before the Senate is reconsideration of the vote by which Senate Bill No. 1052 passed second reading.

And the question recurring.

Will the Senate agree to the motion?

The yeas and nays were required by Mr. JASPAN and were as follows, viz:

YEAS—31

Barr,	Deitrick,	Mallery,	Tyler,
Becker,	Dent,	McQuiddy,	Wade,
Carr,	Frey,	Mundy,	Watkins,
Chapman,	Geltz,	Ruth,	Wilson, H. I.,
Coleman,	Hajuska,	Snowden,	Wilson, T. B.,
Cox,	Homsher,	Stevenson,	Woodward,
Crider,	James,	Taylor,	Ziesenheim,
Crowe,	Lanius,	Thomas,	

NAYS—10

Bartlett,	Heyburn,	Scarlett,	Tallman,
DiSilvestro,	Jaspan,	Stiefel,	Ealy,
Farrell,	Kephart,		Pres. Pro. Tem.

So the question was determined in the affirmative.

And the question recurring,

Will the Senate agree to the bill on second reading?

Sections one to ten inclusive of the bill were severally reconsidered.

The first section was read.

On the question,

Will the Senate agree to the section?

Mr. DEITRICK. Mr. President, I desire to offer amendments.

The Clerk read the amendments as follows:

Amend Sec. 1, page 2, line 11, by striking out the word "are" and inserting in lieu thereof: "is;" Amend Sec. 1, page 4, line 4, by striking out the word: "weighed" at the end of the line; Amend Sec. 1, page 4, line 5, by striking out the words: "separately and" at the beginning of the line; Amend Sec. 1, page 5, line 5, by striking out after the word "original" the following: "copy of a"; Amend Sec. 1, page 5, line 6, by inserting after the word "be" the following "typewritten or"; Amend Sec. 1, page 5, line 6, by striking out after the word "ink" the following "typewritten;" Amend Sec. 1, page 5, line 22, by striking out after the word "weighmaster" the following: "on the same scales;" Amend Sec. 1, page 5, line 23, by striking out all of said line; Amend Sec. 1, page 5, line 24, by striking out the words "said weights are determined" and inserting in lieu thereof: "in accordance with the rules and regulations of the department"; Amend Sec. 1, page 10, line 15, by inserting a light-faced bracket before the word "any"; Amend Sec. 1, page 10, line 15, by striking out the light-faced bracket before the word "person;" Amend Sec. 1, page 10, line 16, by inserting a light-faced bracket before and after the word "or"; Amend Sec. 1, page 10, line 15, by inserting after the word "absent" at the end of the line the following: "or disabled;" Amend Sec. 1, page 11, line 20, by

striking out the word "and" and inserting in lieu thereof: "or."

On the question,

Will the Senate agree to the amendment?

MOTION TO LAY AMENDMENTS ON THE TABLE

Mr. JASPAN. Mr. President, I move that the amendments be laid on the table so as to give the Senators an opportunity to study these amendments.

Mr. STIEFEL. I second the motion, Mr. President.

On the question,

Will the Senate agree to the motion?

MOTION WITHDRAWN

Mr. JASPAN. Mr. President, I withdraw the motion.

Mr. STIEFEL. I withdraw my seconding of the motion, Mr. President.

Mr. WATKINS. Mr. President, I have listened to the gentleman from Philadelphia, Senator Jaspan, with regard to the consumers in his area having been "gypped" at various times by coal haulers, and that the purpose of this bill was to put teeth in the law with regard to gypping. I am heartily in favor of any law that does that, but unfortunately this bill does more than that. This bill goes to the point of putting out of business any independent coal trucker, and I mean by that honest legitimate coal haulers, the small hauler who makes a business of selling coal by peddling from door to door with a truck of either one ton, two ton or five ton capacity, sometimes with a full load and sometimes in compartments with a ton to a compartment.

The red tape and governmental regulations contained in this bill puts that kind of man out of business. Mr. President, I am personally opposed to the principle of government interfering with any private enterprise and I am against this bill for that reason. I am further against this bill because I believe the bill is indirectly trying to attack the bootleg business in the hard coal counties.

Now, Mr. President, if that is the purpose, then the honest way to do that is to attack it by a bill directly doing that thing, instead of indirectly doing it as this bill does because in attacking, as this bill does, the bootlegger, it also destroys the legitimate small coal dealer, and it is on his behalf I am now appealing to the members of this Senate to give consideration to the amendments presented by my colleague from Northumberland, Senator Deitrick.

I want to say, Mr. President, this is the first time since I became a member of this Senate that I have taken the floor of the Senate in behalf of any bill. I made a resolution at the beginning of the session I was going to keep quiet and listen to the older and more seasoned members of this Senate, but on behalf of this bill I find I must ask the members of the Senate to give consideration to these amendments, which we feel will not take the teeth out of the bill, which means the penalties that are applied to the man who tries to gyp a customer, but takes out some of the red tape and some of the governmental regulations that puts out of business the trucker.

Mr. STIEFEL. Mr. President, the other day a delegation came to me and said about a certain bill "this is a witch hunt," and my answer to them was "if there are witches they ought to be hunted."

If people come to Philadelphia and sell coal according to honest weight they have nothing to fear. Apparently the teeth in the previous bills were false and now we want a bill with real teeth, and I do not see why people who are doing legitimate business should fear this bill.

Mr. WOODWARD. Mr. President, this burning issue has been side-stepped or soft-pedaled by Governor Pinchot, and Governor Earle, and when Governor James came in he gave us a luncheon party and tried to get twenty-six votes for a bill which would insist upon the licensing of those anthracite bootleggers.

The Senator from Schuylkill is probably rubbing the wrong way by asking that this bill pertaining to anthracite bootleggers—oh, I will not mention names, but perhaps the Senator knows what he is talking about—about ninety per cent of the people affected by this bill being anthracite bootleggers.

Mr. President, you may remember when the gallery upstairs was filled with anthracite bootleggers—by the way I think they were better than the school teachers as a lobby—and when the bill came up for final passage the vote in the Senate was 24—24, a very dramatic moment, the bill fell and the gallery cheered.

I have in my hand here a report of a coal company in Shamokin. The title is "Data on Stolen Coal by Stevens Coal Company."

Mr. President, I do not propose to read the entire book to you but this statement says there are about thirteen thousand men—I am reading this because there is an emotional appeal made to us that we are interfering with poor people who pick up a few lumps of coal here and there to keep themselves warm, but that is not the case—there are about thirteen thousand men actually engaged in the mining or digging of this coal; four thousand trucking, two thousand engaged in breakers or cleaning plants, producing in 1935 an estimated tonnage of 4,800,000 tons. A recent check of the past year 1939 shows approximately six million tons.

That is all done in the open, no concealment whatever, nor any hiding when the policemen come. The report goes on to say:

"The local authorities, as well as the state authorities, have taken the attitude to let these men continue; as a matter of fact, they help them. Policemen pay no attention whatsoever and 72 per cent of the business men on actual check are buying stolen coal, 60 per cent of the churches are using it; even the preachers who preach strongly 'thou shalt not steal' do not consider this as stealing." The report mentions a personal experience which I think you will find interesting:

"Might here mention the fact that our own actual experience in this respect was that we had made numerous arrests on our property but could not get any conviction locally in our town of Shamokin. Upon meeting one of my old friends, Mr. Edwards, who is alderman at Sunbury, told me if we would bring down the bootleggers he would see that they would get a jail sentence.

"It was easy for us to go out next morning and pick up three of these thieves. We took them to Sunbury, which is the county seat of this County, a distance of twenty miles, and had a hearing before the alderman and he sentenced them to thirty days in jail. We felt quite elated over this as we thought we finally found somebody who would give us some justice.

"We had about half hour's business at the Court House before returning to Shamokin. After completion of this business we were on our way to Shamokin when we noticed three men standing on a curve thumbing their way. These men looked familiar and we found they were the same men we brought down. They left them go immediately after we left and we brought them home in our car and bought them a drink."

Mr. KEPHART. Mr. President, I desire to interrogate the gentleman from Northumberland.

The PRESIDENT PRO TEMPORE. Will the gentleman from Northumberland permit himself to be interrogated?

Mr. DEITRICK. Gladly, Mr. President.

Mr. KEPHART. Mr. President, I should like to know whether, if these amendments are adopted, the bill will be in such form the gentleman from Northumberland can give it his vote?

Mr. DEITRICK. Mr. President, if these amendments are accepted I will vote for the bill.

Mr. KEPHART. Mr. President, I desire to interrogate the gentleman from Schuylkill, Mr. Watkins.

The PRESIDENT PRO TEMPORE. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. WATKINS. I will, Mr. President.

Mr. KEPHART. Mr. President, would the gentleman from Schuylkill answer the same as did the gentleman from Northumberland to the question I asked the gentleman from Northumberland.

Mr. WATKINS. Mr. President, I will vote for the bill if the amendments are adopted.

Mr. President, I would like to say one thing further in answer to the gentleman from Philadelphia, Mr. Woodward. There is nothing in this bill that will allow the arrest of any bootleggers in Schuylkill or Northumberland Counties and the remarks of the Stevens Coal Company, now defunct, have nothing to do with the present bill. My objection to this bill is because its present regulations affects the small legitimate trucker and puts him out of business.

Mr. DEITRICK. Mr. President, the gentleman from Philadelphia, Senator Stiefel, made an assertion that what was wanted was honest weight. As far as the representative coal miner is concerned he is just as desirous of having honest weight as are the people in Philadelphia. We are not after anything excepting what is right but we do say that this law is iniquitous as far as the penalty is concerned on the miner who is trying to do right and trying to make a livelihood in our region, whether it be legitimate or whether it be illegitimate, and we feel the truckers would be imposed on. If it would be necessary I would be glad to go into details as far as the amendments are concerned, but I think, perhaps, when the bill is on third reading, if the amendments are not acceptable I can then explain them a little more thoroughly.

However, I believe, Mr. President, the amendments being offered will take care of the objections we feel handicap us in our region. I was amused at the address of the gentleman from Philadelphia, Senator Woodward, for whom I have the greatest respect, but for his information the men he spoke about I do know, I do know the Stevens Coal Company and I do know they are out of business. I do know as far as the bootlegging business

is concerned, two years ago in this Senate the Stevens Coal Company was only half heartily against it.

Also, Mr. President, for the information of the gentleman from Philadelphia, Senator Woodward, the squire who tried those three men is a personal friend of mine. He went after the boys so that he could increase his salary, that is all. These boys being down in Columbia County, Bloomsburg, the squire at Bloomsburg turned it down and the squire in Sunbury took the job and went looking for it. If you want that kind of squires, all right. The fellow no longer is a squire; he got a trimming when he came up for reelection. For the further information of the gentleman from Philadelphia, Mr. Woodward, that gentleman at present is a law enforcing officer in the liquor violation board and if you want that kind of a man enforcing your laws, liquor or any other line you may have it.

Mr. COLEMAN. Mr. President, for whatever political effect it may have in support of these amendments, I would like to advise the gentleman from Philadelphia, Mr. Kephart, in the event these amendments are inserted in the bill, there are four or five of us on this side of the House who will support the bill who otherwise will have to vote against it.

Mr. MUNDY. Mr. President, so far as the economic situation is concerned down in Schuylkill and Northumberland counties, I think everybody assiduously avoids that, because as the gentleman from Philadelphia, Mr. Woodward, has already here said, several Governors have passed it up and we from the northern coal fields want to take issue on this point.

I would be inclined to say that we have very little bootleg mining in the northern fields because of the fact that operators up there have taken pretty good care to assure that economic conditions are improved, but a different situation exists down in Northumberland and Schuylkill counties, with which I think I am fairly well informed, but the gist of the situation is, Mr. President, we are placed in a ridiculous position. Some of the Senators get on the floor here and they deride the so called independent operator, the bootlegger, if you please, and say that he is dishonest in his weight and that he steals coal and then sells coal at a lower rate than we could afford to mine it or produce it in regular mining operation but he has a very good reason, he has no equity in the land, he has no taxes to pay, and he has very little overhead, and therefore can afford to send the coal to market at a much cheaper rate, but the Philadelphia contingent complain very bitterly about the fact that they are shortweighted. I just want to call to the Senate's attention the fact that Philadelphia and Philadelphia's citizens are in full possession of the fact as to with whom they are doing business and that if they get a little short weight in seeking a cheap price and a cheaper coal then they should not come to the Senate of Pennsylvania and complain of the fact that they were being gypped in a "gyp" deal which they originated themselves.

And the question recurring,

Will the Senate agree to the amendments?

The yeas and nays were required by Mr. JASPAN and were as follows, viz:

YEAS—27

Barr,
Bartlett,

Crider,
Crowe,

McQuiddy,
Mundy,

Tyler,
Watkins,

Becker,
Carr,
Chapman,
Coleman,
Cox,

Deitrick,
Dent,
Frey,
Kephart,
Lanius,

Ruth,
Snowden,
Stevenson,
Taylor,
Thomas,

Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,

NAYS—12

DiSilvestro,
Edmonds,
Farrell,

Geltz,
Hajuska,
Heyburn,

James,
Jaspan,
Scarlett,

Stiefel,
Tallman,
Wade,

PRESENT—1

Homsher,

So the question was determined in the affirmative.

The second to the tenth sections of the bill were read and agreed to.

The title was read and agreed to.

And said bill as amended having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives which was twice read, considered and agreed to:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur) That House Bill No. 1259, (Senate Bill No. 901), Printer's No. 555, entitled:

An Act creating and providing for and regulating the maintenance and operation of a county employe's retirement system in counties of the fourth class; and imposing certain charges on counties

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

He also presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur), That House Bill No. 1088, (Senate Bill No. 690), Printer's No. 313, entitled:

An Act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic, malt or vinous beverages are sold; excepting on-sale licensees and the wives of on-sale licensees; providing penalties for a violation thereof; repealing all inconsistent legislation

be recalled from the Governor for further consideration.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1055, as follows:

An Act to amend sections five six twenty-seven thirty-one thirty-two and thirty-nine of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P L 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elec-

tions and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registration by the commission

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section five of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-seven (P L 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition to their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualification of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended by adding thereto after clause (d) a new clause to read as follows

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(e) The commission shall have power to correct its records without requiring any action of the registered elector (1) where the mailing address of the registered elector has been changed by the renaming of a street the renumbering of a house or the changing of a postoffice (2) where the election district of the registrant has been changed through a change in the boundaries of any election district Notice of such action shall be mailed promptly to any registered elector whose registration has been so corrected

Section 2 Clause (f) of section six of said act is hereby amended to read as follows

Section 6 Employees Registrars Inspectors of Registration Duties Appointments Incompatible Offices

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment and the commission shall have power to utilize any information so obtained to secure the correction of its records in accordance with the provisions of this act

(2) Inspect in like manner and copy any register of lodgers in any lodginghouse inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any

herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 3 Subsection (b) of section twenty-seven of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P L 602) is hereby further amended to read as follows

Section 27 Removal Notices

* * * *

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than thirty days next preceding the primary or election Provided That any elector who removes his residence from one place to another within the same election district and who has not yet filed a removal notice with the commission may be permitted to vote at the election or primary next following such removal if at the time of signing the voter's certificate he files with the judge of election a signed removal notice properly filled out All such removal notices shall be returned to the commission with the voting check list and the commission shall proceed to transfer the registration of such electors in accordance with the provisions of this act

Section 4 Section thirty-one of said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of an error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsection (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall either (1) direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by [section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector] clause (e) of this section or (2) mail to such registered elector at the address given on his registration card the notice prescribed by clause (e) of this section Such notice when mailed shall be sent as first-class mail and shall contain on the outside a request to the postmaster to forward it if the addressee does not reside at the address given thereon

(e) The notice stipulated by clause (d) of this section shall require the registered elector to communicate with the commission on or before a date which the commission shall designate and which shall be not less than ten days and not more than thirty days from the service or mailing

of the notice and in any case not later than the fifteenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector. At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not communicated with the commission and proved his qualifications as an elector. Provided that when any registered elector who has been mailed the notice prescribed by this clause shall communicate with the commission claiming the right to remain registered at the address to which the original notice was mailed the commission shall cause an investigation to be made of such claim and if not satisfied of the right of the elector to remain registered at such address shall cancel the registration of the elector. Every elector whose registration is canceled in accordance with the provisions of this section shall be required to register in the manner provided by this act in order to be eligible to vote at any ensuing election or primary.

Section 5 Section thirty-two of said act is hereby amended to read as follows:

Section 32 Canvass of Registered [Voters] Electors

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day next preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded. The notice prescribed by clause (e) of Section thirty-one of this act.

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not [personally appeared] communicated with the commission and proved his qualifications as an elector.

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass.

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration. They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs.

(e) The commission shall instruct each special inspector in his duties.

Section 6 Section thirty-nine of said act is hereby amended to read as follows:

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-seven and within three months after each general and municipal election thereafter except in such years as the commission shall conduct a check of electors in compliance with the clause

(c) of section thirty-one of this act the registration commission shall cause all of the district registers to be examined and in the case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted

within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him. At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided. The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act.

Section 7 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Mallery,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Heyburn,	Ruth,	Wilson, H. I.,
Cox,	James,	Scarlett,	Wilson, T. B.,
Crider,	Jaspan,	Snowden,	Woodward,
Crowe,	Kephart,	Stevenson,	Ziesenheim,
Detrick,	Lanius,	Stiefel,	Ealy,
Dent,	Letzler,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1076, (House Bill No. 1493) on third reading, entitled:

An Act to amend the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their officers or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" by providing for the payment into the State Employees' Retirement Fund of certain amounts of the salaries or wages of such officers or employees under certain circumstances.

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1077, (House Bill No. 1493) on third reading, entitled:

A Supplement to the act approved the twenty-seventh day of June one thousand nine hundred twenty-three (P. L. 858) as amended entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties,"

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

Mr. WADE. Mr. President, I ask unanimous consent that Senate Bill No. 1078, (House Bill No. 1495), on third reading, entitled:

A Supplement to the act approved the twenty-ninth day of June one thousand nine hundred thirty-seven (P. L. 2423) as amended entitled "An act establishing a Pennsylvania Motor Police Retirement System providing for payments upon retirement death disability involuntary retirement and of certain medical expenses from the State Employees' Retirement Fund under the Administration of the State Employees' Retirement Board providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth providing for the guarantee by the Commonwealth of certain of said funds providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties exempting annuities allowances returns benefits and rights from taxation and judicial processes and providing penalties"

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

Mr. DENT. Mr. President, I ask unanimous consent that Senate Bill No. 1087, on third reading, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey certain tracts of coal lands in Hempfield Township, Westmoreland County, Pennsylvania.

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

Mr. DENT. Mr. President, this bill deals with Hempfield Township in Westmoreland County. I happen to live there and I would like to know what the bill does to my county. The sponsor of the bill does not seem to be present but I might say that I have read the bill and I still do not understand what it does.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1088, as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 849) entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation" is hereby amended to read as follows

Section 3 Definitions (a) The word "Commission" shall mean any board of county commissioners in any county within which is located a city of the third class acting as a registration commission

(b) ["Commissioner"] "Commissioner" shall mean a member of a board of county commissioners acting as a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidates and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote

cast for any elected candidate in any county containing therein any city of the third class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the third class

(n) "City" shall mean only a city of the third class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the third class or to those of any county within which such city is located or to any school district with which such city is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city.

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors in actual military service under requisition of the President of the United States or by the authority of this Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section [eighteen] nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to

me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of 19....

Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of his entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election

district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this day of 19..

.....
Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application. Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured.

(e) Registration in this manner by persons in military service may be made at any time. Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered.

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service. Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided.

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service. The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card. If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided.

Section 4 Section twenty-three of the said act is hereby amended to read as follows:

Section 23 Incomplete or Rejected Applications to Be Recorded. The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted. Whenever the applicant is rejected after

a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the rejection and shall sign his name thereto. The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 5 Subsection (a) of section twenty-nine of the said act as amended by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 279) is hereby further amended to read as follows:

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation. (a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty-one of the said act is hereby amended to read as follows:

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon re-

port by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section [thirty-one] thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service.

Section 7 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 8 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanus,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. J.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Detrick,	Jaspan,	Stefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1089, as follows:

An Act to amend the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P L 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions, departments and bureaus police officers courts judges county election boards election officers municipal officers prothonotaries sheriffs county commissioners peace officers county treasurers county controllers reg-

istrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the twenty-ninth day of April one thousand nine hundred thirty-seven (P L 487) entitled "An act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions' county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in boroughs towns and townships

(b) "Commissioners" shall mean a county commissioner acting as a member of the registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General Election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal elections" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary pooled in each of at least ten counties of the state not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the state for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any borough town or township

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(m) "County" shall mean any county of this Commonwealth

(n) "Public office" shall mean and include National State judicial county city borough town township school district poor district ward or election office or employment

requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(p) "District" shall mean any election district or precinct of a borough town or township

(q) All references to police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school districts and other officials of counties boroughs towns townships and school districts where not otherwise specified shall refer only to those of any borough town or township or to those of any county within which such borough town or township is located or to any school district containing contained in or coextensive with any borough town or township

(r) "County election board" or "county board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(t) "Persons in military service" shall mean qualified electors in actual military service under requisition of the President of the United States or by the authority of this Commonwealth

Section 2 Subsection (a) of section seventeen of the said act is hereby amended to read as follows

Section 17 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each borough town or township the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen and section eighteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section eighteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this
day of 19

Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section eighteen a new section eighteen and one-tenth to read as follows

Section 18.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following in-

formation (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of resignation as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the borough town township ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each borough town or township and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this
day of
19....

.....
Signature of superior officer or judge
of any court of record of the United
States or any state or territory there-
of and statement of official position

(d) Upon written application by any person in military

service to the registration commission having jurisdiction in the borough town or township in which the applicant last resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application. Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured.

(e) Registration in this manner by persons in military service may be made at any time. Provided however that if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered.

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service. Provided however that if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided.

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service. The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card. If the commission find the registration card not properly completed it shall reject it in the manner hereinafter provided.

Section 4 Section twenty-two of the said act is hereby amended to read as follows:

Section 22 Incomplete or Rejected Applications to Be Recorded. The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted. Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto. The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected. Provided however that if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 5 Subsection (a) of section twenty-eight of the said act as amended by the act approved the ninth day of June one thousand nine hundred thirty-nine (P. L. 281) is hereby further amended to read as follows:

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the thirtieth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment

of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registrars. In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made. If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity. When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty of the said act is hereby amended to read as follows:

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employee to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however that the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such registration commission from which it was procured.

Section 7 Section thirty-six of the said act is hereby amended by adding thereto subsection (h) to read as follows:

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of

this section insofar as they relate to the manner of voting
Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Taylor,
Bartlett,	Edmonds,	McCreesh,	Thomas,
Becker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frey,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Orider,	Homsber,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Detrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Taliman,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1090, as follows:

An Act to amend the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three of the act approved the first day of June one thousand nine hundred thirty-seven (P. L. 1132) entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental

agents and boards of school directors and imposing penalties" is hereby amended by adding thereto a new subsection (u) to read as follows

(u) "Persons in military service" shall mean qualified electors in actual military service under requisition of the President of the United States or by the authority of this Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania } ss
County of }

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this
day of 19.... Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior

officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am commissioned or enrolled is with rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Signature of applicant for registration

Sworn to and subscribed before me this day of 19....

Signature of superior officer or judge
of any court of record of the United
States or any state or territory there-
of and a statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be

registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Subsection (a) of section twenty-nine of the said act is hereby amended to read as follows

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request

Section 6 Section thirty-one of the said act is hereby amended to read as follows

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address

as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a checkup to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service.

Section 7 Section thirty-seven of the said act is hereby amended by adding thereto a new subsection (h) to read as follows:

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 8 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanlus,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Faluska,	Mundy,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Woodward,
Crowe,	James,	Snowden,	Ziesenheim,
Deitrick,	Jaspan,	Stevenson,	Ealy,
Dent,	Kephart,	Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1091, as follows:

An Act to amend the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section two of the act approved the thirtieth day of March one thousand nine hundred thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspector of registration and other appointees of registration commission election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents certain public service companies persons firms and corporations operating vehicles for moving furniture and household goods and boards of school directors and imposing penalties" is hereby amended by adding thereto a new subsection (s) to read as follows:

(s) "Persons in military service" shall mean qualified electors in actual military service under requisition of the President of the United States or by the authority of this Commonwealth.

Section 2 Subsection (a) of section nineteen of the said act is hereby amended to read as follows:

Section 19 Registration Cards Preparation and Distribution (a) For the purpose of registering the qualified electors of the city the commission shall prepare registration cards serially numbered in triplicate and containing spaces for entering the information required by section twenty and twenty and one-tenth of this act and either the following affidavit or the affidavit prescribed in section twenty and one-tenth as the case may be.

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified

to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this day of

Signature of Voter

Signature of Registrar

Section 3 The said act is hereby amended by adding after section twenty a new section twenty and one-tenth to read as follows

Section 20.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting machine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election

district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which

I am enrolled or commissioned is now located at that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct and that I am legally qualified to vote

Signature of applicant for registration

Sworn to and subscribed before me this day of 19....

Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in triplicate and shall take the affidavit thereto in triplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registrations are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence on the date of entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-four of the said act is hereby amended to read as follows

Section 24 Incomplete or Rejected Application to Be Recorded The registrar clerk or commissioner shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a por-

tion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar clerk or commissioner shall note thereon the reason for the rejection and shall sign his name thereto. The registrar clerk or commissioner shall forthwith personally notify the applicant if his application for registration is rejected. Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail. All such cards shall be returned to the commission and shall be preserved for a period of two years.

Section 5 Subsection (a) of section thirty of the said act is hereby amended to read as follows:

Section 30 Change of Party Enrollment Notice Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) The commission shall provide change of party enrollment notices which it shall cause to be available for the convenient use of registered electors. Those notices shall be printed upon cards and shall contain spaces wherein shall be recorded under oath (1) the street and number of the elector's residence (2) his ward and election district (3) the political party in which he is enrolled (4) the political party in which he desires to be enrolled (5) the signature of the elector. Any person in military service who desires to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty-two of the said act is hereby amended to read as follows:

Section 32 Mail Check-up of Register (a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a checkup of each registered elector in the city by either of the methods provided for in subsections (a) and (b) of this section.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employee to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-three of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless his qualifications as an elector are proved. The testimony taken at such time shall be stenographically recorded and made a part of the records of the commission. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service.

Section 7 Section thirty-eight of the said act is hereby amended by adding thereto a new subsection (h) to read as follows:

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reason thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 8 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanius,	Tallman,
Bartlett,	Edmonds,	Mallery,	Taylor,
Becker,	Farrell,	McCreesh,	Thomas,
Carr,	Frey,	McQuiddy,	Tyler,
Chapman,	Geltz,	Miller,	Wade,
Coleman,	Haluska,	Mundy,	Watkins,
Cox,	Heyburn,	Ruth,	Wilson, H. I.,
Crider,	Homsher,	Scarlett,	Woodward,
Crowe,	James,	Snowden,	Ziesenheim,
Deitrick,	Jaspan,	Stevenson,	Faly,
Dent,	Kephart,	Stiefel,	Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1092, as follows:

An Act to amend the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" as amended by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section three of the act approved the twenty-fifth day of May one thousand nine hundred thirty-seven (P. L. 814) entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and

proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties" is hereby amended to read as follows

Section 3 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the second class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class

(n) "City" shall mean only a city of the second class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class or to those of any county within which such city is located or to any school district which it is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall

mean the county board of elections of any county containing a city of the second class as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Providing however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or legal holiday the next following ordinary business day shall be considered as the last day for said purpose

(u) "Persons in military service" shall mean qualified electors in actual military service under requisition of the President of the United States or by the authority of this Commonwealth

Section 2 Subsection (a) of section eighteen of the said act is hereby amended to read as follows

Section 18 Registration Cards Preparation and Distribution (a) for the purpose [or] of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by sections nineteen and nineteen and one-tenth of this act and either the following affidavit or the affidavit prescribed in section nineteen and one-tenth as the case may be

Registration Affidavit

State of Pennsylvania }
County of } ss

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six [month] months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me
this day of 19....

Signature of Voter

.....
Signature of Registrar

Section 3 The said act is amended by adding after section nineteen a new section nineteen and one-tenth to read as follows

Section 19.1 Manner of Registration by Persons in Military Service A person in military service may in addition to any other method herein provided also be registered in the following manner

(a) He may make application to the commission for a registration card

(b) The registration card shall require the statement of and shall provide sufficient space for the following information (1) The surname of the applicant (2) His Christian name or names (3) His occupation if any on the date of entering military service (4) The street or road and number if any of his residence on the date of entering military service (5) If his residence was a portion only of a house the location or number of the room or rooms apartment flat or floor which he occupied (6) The date his residence began at the place at which he resided on the date of entering military service (7) His residence address when he last registered and the year of such registration (8) The sex of the applicant (9) The color of the applicant (10) The state or territory of the United States or the foreign country where he was born (11) The date when place where and the court by which naturalized and the number of the naturalization certificate (12) If not naturalized personally the name of father mother or husband through whom naturalized (13) Whether he is unable by reason of illiteracy to read the names on the ballot or voting ma-

chine labels (14) Whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) The designation of the political party of the elector for the purpose of voting at primaries (16) The affidavit of registration as hereinafter prescribed which shall be signed by the elector attested by the signature of the superior officer of the applicant or the judge of any court of record of the United States or of any state or territory thereof and dated by such superior officer or judge (17) The height of the applicant in feet and inches (18) The color of his hair (19) The color of his eyes (20) The date of his birth Each registration card for registration by persons in military service shall also have a sufficient number of spaces thereon for the insertion by the commission but not by the applicant of the ward and election district if any in which the applicant resided on the date of entering military service and to which he may from time to time remove after leaving military service together with his street address in each such ward and district and the other data required to be given upon such removal (21) The date of each election and primary at which the applicant votes after registration the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (22) The signature or initials of the election officer who enters the record of voting on the card

(c) In addition the foregoing registration card shall contain the following affidavit

Registration Affidavit

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the Commonwealth of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the Commonwealth and having removed and returned then six months) and in the election district two months that I am now in actual military service under a requisition of the President of the United States or by the authority of the Commonwealth of Pennsylvania that the military naval or air unit in which I am enrolled or commissioned is with the rank of now located at that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

.....
Signature of applicant for registration

Sworn to and subscribed before me this day of 19....

.....
Signature of superior officer or judge of any court of record of the United States or any state or territory thereof and a statement of official position

(d) Upon written application by any person in military service to the registration commission having jurisdiction in the city in which the applicant resided on the date of entering military service a registration card in the form herein prescribed in duplicate shall be mailed postage prepaid to the applicant at the address given in such application Such person shall thereupon supply the information required on the registration card in duplicate and shall take the affidavit thereto in duplicate in the presence of his superior officer or of any judge of a court of record of the United States or any state or territory thereof and shall mail the same in duplicate postage prepaid to the registration commission from which it was procured

(e) Registration in this manner by persons in military service may be made at any time Provided however That if any registration card is received by any registration commission from any person in military service at any time when registration by personal appearance in the manner provided in section eighteen of this act could not

be made under the provisions of section sixteen of this act such application shall be retained by the commission until the beginning of the next period during which such registration by personal appearance could be made and at such time the applicant if otherwise entitled shall be duly registered

(f) The status of any person in military service with respect to residence shall remain the same as it was when such person entered military service Provided however That if at the time of entering military service any person shall not have resided in Pennsylvania or in a particular election district thereof for a sufficient time to have been entitled to be registered but by continued residence would have become so entitled he shall be entitled to be registered at such time as he would have been so entitled had he not entered military service and had continued to reside where he then resided

(g) Registration cards returned by persons in military service to any registration commission shall be examined by a member of the commission or any clerk or registrar at a time and place when personal registration are being received and such member of the commission clerk or registrar shall announce in the hearing of all present the name of the person in military service who has thus offered to register and the address of his residence immediately prior to entering military service The right of such person in military service to be registered shall not be subject to challenge for any reason other than failure to have mailed the commission a properly completed registration card If the commission finds the registration card not properly completed it shall reject it in the manner hereinafter provided

Section 4 Section twenty-three of the said act is hereby amended to read as follows

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected Provided however That if the registration card was received by mail from a person in military service notice of rejection shall be by mail All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 5 Subsection (a) of section twenty-nine of the said act is hereby amended to read as follows

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district register In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration Any person in military service who desires

to change his party enrollment shall be permitted to do so by addressing a signed written request to the commission. The request shall also contain a statement that such person is at the time of making the request absent from his residence in military service. If upon examination the signature appears authentic the enrollment shall be changed in accordance with the request.

Section 6 Section thirty-one of the said act is hereby amended to read as follows:

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote. Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon.

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register.

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above.

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the post office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employee to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector. Provided however That the registration of any person in military service shall not be cancelled by reason of the failure of such person to reside at the address appearing upon the district register if such person did reside at such address on the date of entering military service.

Section 7 Section thirty-seven of the said act is hereby amended by adding thereto subsection (h) to read as follows:

(h) Persons in military service shall be entitled to vote if duly registered in a manner provided by this act. Persons in military service and by reasons thereof absent from their places of residence on the day of any election shall be entitled to vote in such manner as may now or hereafter be provided by law unaffected by the provisions of this section insofar as they relate to the manner of voting.

Section 8 This act shall become effective immediately upon final enactment.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,
Bartlett,
Becker,
Carr,

DiSilvestro,
Edmonds,
Farrell,
Frey,

Lanius,
Mallery,
McQuiddy,
Miller,

Taylor,
Thomas,
Tyler,
Wade,

Chapman,
Coleman,
Cox,
Crider,
Crowe,
Deltrick,
Dent,

Geltz,
Haluska,
Heyburn,
Homsher,
James,
Jaspan,
Kephart,

Mundy,
Ruth,
Scarlett,
Snowden,
Stevenson,
Stiefel,
Tallman,

Watkins,
Wilson, H. I.,
Wilson, T. B.,
Woodward,
Ziesenheim,
Ealy,
Pres. Pro. Tem.

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1093, as follows:

An Act to amend the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by changing the procedure for and regulating elections by persons in actual military service imposing duties upon the Secretary of the Commonwealth courts county boards of elections and county commissioners providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 Section one hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections the nomination of candidates primary and election expenses and election contests creating and defining membership of county boards of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" is hereby amended to read as follows:

Section 102 Definitions The following words when used in this act shall have the following meanings unless otherwise clearly apparent from the context:

(a) The word "candidate" shall unless the context otherwise requires include both candidates for nomination and election.

(b) The word "county" shall mean any county of this Commonwealth.

(c) The words "county board" or "board" shall mean the county board of elections of any county herein provided for.

(d) The words "district election board" or "election board" shall mean the election officers required to conduct primaries and elections in any election district in accordance with the provisions of this act.

(e) The words "district register" shall mean the cards containing all or any part of the registry list of qualified electors of the same election district as prepared by the registration commissions.

(f) The word "election" shall mean any general municipal special or primary election unless otherwise specified.

(g) The words "election district" shall mean a district division or precinct established in accordance with the provisions of this act within which all qualified electors vote at one polling place.

(h) The words "general election" shall mean the elec-

tion which the Constitution of this Commonwealth requires to be held in even-numbered years

(i) The words "independent nomination" shall mean the selection by an independent political body in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(j) The words "municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(k) The word "nomination" shall mean the selection in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election

(l) The words "November election" shall mean either the general or municipal election or both according to the context

(m) The word "oath" shall include affirmation and the word "swear" shall include affirm

(n) The word "party" shall mean a political party as defined in section 801 of this act

(o) The words "party nomination" shall mean the selection by a political party in accordance with the provisions of this act of a candidate for a public office authorized to be voted for at an election.

(p) The words "political body" shall mean an independent body of electors as defined in section 801 of this act

(q) The words "polling place" shall mean the room provided in each election district for voting at a primary or election

(r) The words "primary" or "primary election" shall mean any election held for the purpose of electing party officers and nominating candidates for public offices to be voted for at an election

(s) The words "public office" shall include every public office to which persons can be elected by a vote of the electors under the laws of this State

(t) The words "qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(u) The words "registered and enrolled member of a political party" shall mean any qualified elector who shall be registered according to political designation in accordance with the provisions of the registration acts

(v) The words "special election" shall mean any election other than a regular general municipal or primary election

(w) "Electors in actual military service" shall mean qualified electors of this Commonwealth who shall be in military service under a requisition or order from the President of the United States or by the authority of this Commonwealth

Section 2 Section three hundred and five of said act is hereby amended to read as follows

Section 305 Expenses of County Boards and of Primaries and Election to Be Paid by County Expenses of Special Elections Boards to Be Provided with Officers

(a) The county commissioners or other appropriating authorities of the county shall appropriate annually and from time to time to the county board of elections of such county the funds that shall be necessary for the maintenance and operation of the board and for the conduct of primaries and elections in such county including the payment of the compensation of the employees of the board custodians election officers and other assistants and employees herein provided for and the fees of witnesses as herein provided for the purchase or printing under contracts made by the board of all ballots and other primary and election supplies required by this act or which the board shall consider necessary to carry out the provisions of this act for the purchase under contracts made by the board and maintenance of voting machines when adopted as herein provided and of all other primary and election equipment required by this act or which the board shall consider necessary to carry out the provisions of this act for the publication of notices authorized by this act under contracts made by the board and for all other necessary expenses hereunder Provided how-

ever That bonds or other evidences of indebtedness payable not later than ten years from their dates of issuance may be issued by the county commissioners or other appropriating authorities of the county in accordance with the provisions of law relating to the increase of indebtedness of such county to meet all or any part of the cost of voting machines

1 The county shall be liable for the expenses of holding special elections for any city borough township school district or other municipality or incorporated district contained therein which is held on the day of any general municipal or primary election and on any special question which is required by law to be or which is at the discretion of the county board as hereinafter provided printed on the regular ballot after the list of the candidates or on the same voting machine as the list of candidates

2 Any city borough township school district or other municipality or incorporated district contained in any county holding a special election as authorized by law on the question of increase of indebtedness or any other question to be voted on by the electors of such subdivision which special election is held on the day of any general municipal or primary election and which is required by law to be conducted or at the discretion of the county board as hereinafter provided is conducted by special ballots for such question shall be liable to the county for the expenses necessarily incurred in the printing of such special ballots

3 If any other day than the day of any general municipal or primary election be fixed by the corporate authorities of any municipality school district or incorporated district for the holding of a special election on the question of increase of indebtedness or any other question as authorized by law such municipality school district or incorporated district shall be liable for and pay the entire expense of holding such election including the cost of printing ballots and supplies pay of election officers the rental of polling places and the cost of canvassing and computing the votes cast

(b) The county commissioners or other appropriating authorities of the county shall provide the county board with suitable and adequate offices at the county seat properly furnished for keeping its records holding its public sessions and otherwise performing its public duties and shall also provide such branch offices for the board in cities other than the county seat as may be necessary

(c) The Commonwealth shall reimburse each county for election expenses incurred at every election for the preparation handling and mailing of ballots for electors in actual military service in the sum of twenty-five cents for each ballot mailed to an elector in actual military service in such manner as is now or may hereafter be provided by law

Each county board of elections shall file in the Department of State not later than thirty days after every election on a form prescribed by the Department of State a statement of the number of ballots mailed in such manner as is now or may hereafter be provided by law to electors in actual military service upon the written application of each such elector Such applications shall be preserved by each county board of elections until reimbursement is made as herein provided subject to inspection or production in the Department of State if demanded by the Department of State

The Department of State shall ascertain and fix the amount due as herein provided to each county for election expenses incurred for the preparation handling and mailing of ballots to electors in actual military service and by requisition in the usual course shall provide for payment of such amounts so found due from moneys appropriated to the Department of State for such purpose or shall prorate the moneys so appropriated among the several counties to be reimbursed if the amount so appropriated shall not be sufficient for the payment in full to each county of the amount found to be due

Section 3 Section one thousand three hundred one of said act is hereby amended to read as follows

Section 1301 Qualified Electors in Actual Military Service When any of the qualified electors of this Commonwealth shall be in any actual military service under

a requisition from the President of the United States or by the authority of this Commonwealth and as such absent from their place of residence on the days appointed by law for holding [the general or municipal elections] any election within this State or on the days for holding special elections to fill vacancies such electors shall be entitled at such times to exercise the right of suffrage as fully as if they were present at their usual places of election in the manner prescribed in this article and whether at the time of voting such electors shall be within the limits of this State or not [and the right of voting shall not be affected by reason of the failure of any elector to have been registered in his place of residence]

Section 4 Section one thousand three hundred two of said act is hereby repealed absolutely

Section 5 Section one thousand three hundred three of said act is hereby repealed absolutely

Section 6 Section one thousand three hundred four of said act is hereby repealed absolutely

Section 7 Section one thousand three hundred five of said act is hereby repealed absolutely

Section 8 Section one thousand three hundred six of said act is hereby repealed absolutely

Section 9 Section one thousand three hundred seven of said act is hereby repealed absolutely

Section 10 Section one thousand three hundred eight of said act is hereby amended to read as follows

Section [1308] 1302 Ballots for use by [persons] electors in actual military service under the provisions of this article shall be prepared sufficiently in advance by the [Secretary of the Commonwealth] county boards of election and shall be by [him] such boards distributed as [through the commissioners] hereinafter provided [or in such other manner as he may think proper] to the [various military or naval units containing Pennsylvania soldiers] electors in actual military service entitled to vote at any election Such ballots shall be in substantially the form prescribed by Article X of this act for ballots to be used at the same elections within this Commonwealth but in cases where [it is] there is not time in the opinion of the [Secretary of the Commonwealth] county boards of elections to print on said ballots the names of the various candidates for district county and local offices the ballots shall contain blank spaces only under the titles of such offices in which the voters may insert the names of the candidates for whom they desire to vote and in such cases the [Secretary of the Commonwealth] county boards of elections shall furnish to the [judge of election] elector in actual military service a sufficient number of printed lists containing the names of all the candidates who have been regularly nominated under the provisions of this act for the use of the [electors] elector in preparing [their] his [ballots] ballot

Section 11 Section one thousand three hundred nine of said act is hereby repealed absolutely

Section 12 Section one thousand three hundred ten of said act is hereby repealed absolutely

Section 13 Section one thousand three hundred eleven of said act is hereby repealed absolutely

Section 14 Section one thousand three hundred twelve of said act is hereby repealed absolutely

Section 15 Section one thousand three hundred thirteen of said act is hereby repealed absolutely

Section 16 Section one thousand three hundred fourteen of said act is hereby repealed absolutely

Section 17 Section one thousand three hundred fifteen of said act is hereby repealed absolutely

Section 18 Section one thousand three hundred sixteen of said act is hereby repealed absolutely

Section 19 Section one thousand three hundred seventeen of said act is hereby amended to read as follows

Section [1317] 1303 Duties of County Boards In the case of any election at which votes are cast by [persons] electors in actual military service under the provisions of this article it shall be the duty of each county board of elections to withhold the completion of the computation of the returns of the county until the [third] second Friday after such election within which period all [returns of] votes cast by electors of the county in

actual military service as provided in this article be added to and included in its computation of the returns of such election but not afterwards

Section 20 Section one thousand three hundred eighteen of said act is hereby repealed absolutely

Section 21 Section one thousand three hundred nineteen of said act is hereby repealed absolutely

Section 22 Section one thousand three hundred twenty of said act is hereby repealed absolutely

Section 23 Section one thousand three hundred twenty-one of said act is hereby repealed absolutely

Section 24 Section one thousand three hundred twenty-two of said act is hereby repealed absolutely

Section 25 Section one thousand three hundred twenty-three of said act is hereby repealed absolutely

Section 26 Section one thousand three hundred twenty-four of said act is hereby repealed absolutely

Section 27 Section one thousand three hundred twenty-five of said act is hereby repealed absolutely

Section 29 Section one thousand three hundred twenty-seven of said act is hereby amended to read as follows

Section [1327] 1304 [Rights of Detached Electors] Manner of Voting by Electors in Actual Military Service [When any of the electors] Electors mentioned in Section 1301 [less than ten (10) in number shall be members of companies of another state or territory or for any sufficient and legal cause shall be separated from their proper unit or shall be in a hospital navy yard vessel or on recruiting provost or any other duty whether within or without this State under such circumstances as shall render it probable that they will be unable to rejoin their proper unit or to be present at their proper place of election on or before the day of any election said electors] shall have the right to [vote in the following manner] apply not less than thirty (30) days and not more than fifty (50) days before any election for a "military ballot" The application shall be in writing addressed to the county board of elections of the county wherein the applicant is registered to vote and shall state the county and the city borough or township and the precise ward or election district in or the street and number at which the applicant is registered to vote If the application is for a ballot for a primary election it shall also state the political party in which the applicant is enrolled

Section 30 Section one thousand three hundred twenty-eight of said act is hereby amended to read as follows

Section [1328] 1305 Ballots and Envelopes for [Detached] Electors in Actual Military Service The [Secretary of the Commonwealth] county boards of elections shall prepare and and upon request deliver [distribute] to the said [detached] electors in actual military service a ballot by mail in an envelope addressed to each such elector at the address furnished by the elector in his application for a military ballot [through the commissioners provided for by this article or in such manner as he may think proper additional official ballots to be known as detached soldiers' ballots] Such ballots shall be prepared and printed in the same form as the ballots provided for by section [1308] 1302 of this act but shall have in addition printed stamped or endorsed thereon the words ["Detached Soldier's"] "Military Ballot" The [Secretary of the Commonwealth] county boards of election shall also provide and [distribute] deliver as aforesaid three envelopes for each [detached soldier's] military ballot of such size and shape that will permit the placing of one within the other On the first shall be printed stamped or endorsed only the words ["Detached Soldier's"] "Military Ballot" On the second shall be printed the affidavit of the [detached] elector together with the jurat of the officer in whose presence the ballot is marked and before whom the affidavit is made such affidavit and jurat to be in the form prescribed by the Secretary of the Commonwealth On the third shall be placed the name and address of the county board of elections of the proper county

Section 31 Section one thousand three hundred twenty-nine of said act is hereby amended to read as follows

Section [1329] 1306 Voting by [Detached] Electors in Actual Military Service Any such [detached] elector may make application prior to the day of any election to

[one of] the [commissioners appointed under the provisions of this article or to the Secretary of the Commonwealth] county boards of elections for a ["Detached Soldier's"] "Military Ballot" At any time after receiving such [detached soldier's] military ballot but on or before the day of the election such elector in actual military service may appear before any commissioned officer of the military or naval forces either within or without the Commonwealth or before any officer of this or any other state or territory of the United States or of the United States authorized to administer oaths and mark such ballot under the scrutiny of such officer in the following manner The voter shall first display the ballot to such officer as evidence that the same is unmarked and shall then proceed to mark the ballot in the presence of such officer but in such manner that such officer is unable to see how the same is marked and then fold the ballot enclose and securely seal the same in the envelope on which is printed stamped or endorsed ["Detached Soldier's"] "Military Ballot" This envelope shall then be placed in the one on which is printed the affidavit of the elector and the jurat of the officer before whom the elector appears and such envelope sealed in like manner by the elector The elector shall then make out subscribe and swear to the affidavit printed on the face of such envelope and the jurat shall be subscribed by the officer before whom the affidavit was taken Such ballot and envelope shall then be securely sealed in the third envelope which the elector shall send by [registered] mail to the county board of elections of the proper county with postage prepaid

Section 32 Section one thousand three hundred thirty of said act is hereby amended to read as follows

Section [1330] 1307 Receipt and Counting of [Detached Soldiers'] Military Ballots The county board of elections upon receipt of such [registered letter] third envelope shall safely keep the same in their office until they meet to canvass the vote of such elections under the provisions of this act at which time they shall open such [registered letter] third envelope and after examining the affidavit and jurat shall compare the signature of such absent voter with his signature upon any register or other record in their possession If the county board is satisfied that the signatures correspond [and] that the affidavit and jurat are sufficient and that the voter has been duly registered as provided by law they shall announce the name of the elector and shall give any person present an opportunity to challenge the same in like manner and for the same causes as such elector could have been challenged had he presented himself in his own district to cast his vote If there are no challenges they shall open the second envelope in such manner as not to destroy the affidavit and jurat printed thereon which envelope shall be kept in their office for a period of one year thereafter All envelopes on which are printed stamped or endorsed the words ["Detached Soldier's"] "Military Ballot" and containing the ballots shall be put into one depository at one time and said depository well shaken and the envelopes containing the ballots mixed before any ballot is taken therefrom The county board shall then break the seals of such envelopes and record the said ballots in the same manner as district election officers are required to record votes under the provisions of this act In like manner all [detached soldier's] military ballots received prior to completion of the computation of the returns of the county shall be counted and recorded and upon the completion of the computation of the returns of the county the votes cast upon the [detached soldier's] military ballots shall then be added to the votes cast within the county city borough incorporated town township ward or election district as designated on each ballot [Detached soldier's] Military ballots shall be safely kept by the county board of elections for a period of one year

Section 33 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Barr,	DiSilvestro,	Lanlus,	Thomas,
Bartlett,	Edmonds,	McCreesh,	Taylor,
Bocker,	Farrell,	McQuiddy,	Tyler,
Carr,	Frev,	Miller,	Wade,
Chapman,	Geltz,	Mundy,	Watkins,
Coleman,	Haluska,	Ruth,	Wilson, H. I.,
Cox,	Heyburn,	Scarlett,	Wilson, T. B.,
Crider,	Homsher,	Snowden,	Woodward,
Crowe,	James,	Stevenson,	Ziesenheim,
Deitrick,	Jaspan,	Stiefel,	Ealy,
Dent,	Kephart,	Tallman,	Pres. Pro. Tem,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1099, on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by defining qualifications for certification as a supervising principal by the Department of Public Instruction.

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection?
The Chair hears none.

BILL ON THIRD READING AND FINAL
PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1103, as follows:

An Act to further amend section two hundred twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing for the issuing of free resident fishing licenses to persons over sixty-five years of age

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two hundred twenty of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" as last amended by the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 834) is hereby further amended to read as follows

Section 220 Resident Fishing License Fees For the purpose of this article every person sixteen years of age and upward upon application to any issuing agent within the Commonwealth or to the Department of Revenue and

upon the establishment of his identity to the satisfaction of the issuing agent or the Department of Revenue by producing a bank book letters lodge cards police cards a motor vehicle operator's permit or some other resident of this Commonwealth for a period of sixty days next preceding his application and was born in the United States and in the case of naturalized foreign-born residents the production of such applicant's naturalization papers shall upon the payment to the issuing agent or the Department of Revenue of a license fee of one dollar and fifty cents (\$1.50) for the use of the Commonwealth and in the event that the license is issued by an issuing agent a fee of ten cents (10c) for the use of the issuing agent be entitled to the license herein referred to as "a resident fishing license" Any such applicant who is over the age of sixty-five years shall without the payment of any license fee be entitled to receive from the department or from any issuing agent upon the presentation of such proof of age as may be required by the department the license herein referred to as "a resident fishing license"

In case the license certificate is lost or destroyed a duplicate can be secured from the Department of Revenue by making affidavit to that effect In case the button is lost or destroyed the licensee can make a duplicate and in case both the license certificate and the button are lost or destroyed a new license and button may be secured from the Department of Revenue upon making affidavit to that effect and the payment of a fee of fifty cents (50c)

Upon the making of an application by any person to the Department of Revenue for a special license to catch eels by the use and operation of eel chutes and the payment of a fee of one dollar (\$1.00) for the use of the Commonwealth such person shall be entitled to a special eel chute license and a special metal tag which shall give him the right to use and operate an eel chute in the Susquehanna River below the boundary line of the city of Pittston and the Duryea Borough line on the north branch below the bridge at the Northumberland-Lycoming County line on the west branch in the Juniata River below Mount Union and in the Delaware River below Easton in accordance with the provisions of this act

And said bill having been read at length the third time,
On the question,

Will the Senate agree to the bill?

Mr. MALLERY. In today's mail, Mr. President, I received a petition from a number of retired men from Blair County, which is very brief, and I would request the Clerk to read it.

The PRESIDENT PRO TEMPORE. If there is no objection the Clerk will read the communication, which will be spread on the Journal.

The petition was read as follows:

"We, the undersigned members of Altoona Unit No. 6, National Association of Railroad Employes hereby go on record, favoring and urging the passage of your proposed bill giving all men having attained the age of 65 years or more free hunting and fishing license residing in Pennsylvania. Most of us men have been paying for our hunting and fishing privileges ever since the law was enacted many years ago. We therefore believe that since the State allows all individuals 16 years of age and under free hunting and fishing license, we believe we retired men whose income has been cut to about one third of our former earnings, which in most cases forbids the expenditure of money for license that would allow us to indulge in a sport that will help us to wile away the long hours of our enforced idleness, we your Blair County constituents respectfully urge you to do all in your power to have the bill enacted into a law."

Mr. MALLERY. Mr. President, this petition is signed by numerous individuals from my district.

Mr. HEYBURN. Mr. President, I am wondering what effect the passage of these two bills will have on the game

and fish fund and I would also like to ask my colleague from Blair County whether or not Pierre S. DuPont, who is one of my neighbors, would be asked to buy a fishing license.

Mr. MALLERY. Mr. President, in answer to the query of my friend from Delaware, I do not think the privilege that will be extended by the passage of these two bills will seriously impair the game fund, because, as was stated in the petition which was just read, these men are not now able to obtain fishing and hunting licenses and furthermore I doubt whether many of them will seriously deplete the streams of fish or forests of game.

By this bill we are doing something possible which, it seems to me, we can add a little bit of pleasure to the lives of our good citizens who have reached the age of sixty-five years or over, it is something we may well do.

Mr. HALUSKA. Mr. President, I intend to vote for this bill and I only regret my colleague from Blair did not make the age sixty. I have always maintained a man at the age of sixty who is too old to obtain employment, should have free licenses and I am suggesting this to the gentleman from Blair for what it is worth, that he might reconsider his bill and amend it to grant free licenses to all men who have reached the age of sixty.

Mr. DENT. Mr. President, I desire to interrogate the gentleman from Blair.

The PRESIDENT PRO TEMPORE. Will the gentleman from Blair permit himself to be interrogated?

Mr. MALLERY. I will, Mr. President.

Mr. DENT. Mr. President, as I understand, this bill grants free fishing and hunting licenses.

Mr. MALLERY. That is correct, Mr. President.

Mr. DENT. To persons over sixty-five years of age.

Mr. MALLERY. That is correct, Mr. President.

And the question recurring,

Will the Senate agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barr,	Dent,	McQuiddy,	Tyler,
Becker,	DiSilvestro,	Mundy,	Wade,
Carr,	Geltz,	Ruth,	Watkins,
Chapman,	Haluska,	Stevenson,	Wilson, T. B.,
Coleman,	Jaspan,	Stiefel,	Woodward,
Cox,	Lantus,	Thomas,	Ziesenheim,
Deitrick,	Mallery,		

NAYS—13

Bartlett,	Farrell,	Kephart,	Tallman,
Crider,	Heyburn,	Scarlett,	Willson, H. I.,
Crowe,	James,	Snowden,	Ealy,
Edmonds,			Pres. Pro. Tem.

PRESENT—1

Taylor,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. MALLERY. Mr. President, I now want to thank my colleagues, and especially my Democratic colleagues, for voting "aye" on this bill. We hear so much in the

Senate here about doing something for industry and for those that have, and I just wonder when, really, my Republican colleagues are going to wake up and really be concerned about the welfare of all the people of the state, especially of those who have none or have very little.

Mr. EDMONDS. Mr. President, I voted "no" on this last bill and I expect to vote "no" on the next bill and I am doing so on the basis of a fine old democratic sentiment. It was Thomas Jefferson who said "equal rights for all, special privileges for none."

That seems to me to be a good doctrine, particularly with reference to what government does for its people.

Mr. HALUSKA. Mr. President, I want to supplement what the gentleman from Blair has said. I think people should pay some attention to the aged of our Commonwealth. However, I noticed the vote taken on that bill was very peculiar.

The older men in the Senate voted "no" and the youthful members voted "aye." That just goes to prove once again, Mr. President, that old men have young ideas.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1104, as follows:

An Act to amend section three hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1125) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" by providing for the issuing of free hunters' licenses to persons over sixty-five years of age

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section three hundred two of the act approved the third day of June one thousand nine hundred and thirty-seven (P. L. 1125) entitled "An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 302 Resident License Fee Each such resident as provided in the preceding section upon application made in writing to any agent authorized to issue such licenses within the Commonwealth the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this article and the establishment of his identity to the satisfaction of the authority issuing the license or to the satisfaction of the justice of the peace magistrate or notary public or any agent designated to receive applications for licenses when taking such applications as hereinafter authorized by producing a bank book letters lodge cards police cards a motor vehicle driver's license or some other positive means of identification and in the case of naturalized foreign-born applicants the production of such applicant's naturalization papers unless any such person has been disqualified for a license in the manner hereinafter specified and the payment to said agent or the Department of Revenue of two dollars (\$2.00) shall be entitled to a resident hunter's license and a tag with the number of the license thereon which shall entitle the holder to hunt or trap for all wild birds and wild animals which may legally be hunted or trapped in this Commonwealth except as otherwise provided Whenever any such resident is over the age of sixty-five years he shall be entitled to receive such resident hunter's license and tag from said agent or from the Department of Revenue without the payment of any fee upon the presentation of such proof of age as may be required by said department

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—26

Barr,	Dent,	Mallery,	Tyler,
Becker,	DiSilvestro,	McQuiddy,	Wade,
Carr,	Frey,	Mundy,	Watkins,
Chapman,	Geltz,	Ruth,	Willson, T. B.,
Coleman,	Haluska,	Stevenson,	Woodward,
Cox,	Jaspan,	Thomas,	Ziesenheim,
Deltrick,	Lanius,		

NAYS—15

Bartlett,	Farrell,	Kephart,	Tallman,
Crider,	Reyburn,	Scarlett,	Wilson, H. I.,
Crowe,	Homsher,	Snowden,	Ealy,
Edmonds,	James,	Stiefel,	Tres. Pro. Tem.

PRESENT—1

Taylor,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. STIEFEL. Mr. President, I desire to explain my vote on this bill.

The PRESIDENT PRO TEMPORE. The gentleman from Philadelphia will proceed.

Mr. STIEFEL. Mr. President, I voted in the affirmative on Senate Bill No. 1103, but I voted in the negative on Senate Bill No. 1104 because I believe that a person who is above sixty-five years of age should not expose himself to the rigors of hunting, and I believe it would be against public policy to have people above sixty-five years of age roaming the woods with pistols.

Mr. TAYLOR. Mr. President, I think I should explain my vote "present." Last week my good colleagues on the left side of the Senate told everybody in Pennsylvania I was sixty-five years old and I do not want the opinion to get abroad I had influence upon the gentleman from Blair in having these bills presented that is why I voted "present."

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 253.

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 253, entitled:

An Act giving volunteer firemen appointed as special police officers certain police powers at fires attended by their fire companies in any city, borough, town and township.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 398.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 398, entitled:

An Act authorizing the Department of Highways to

take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

HOUSE NON-CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 811.

He also informed the Senate that the House has non-concurred in the amendments made by the Senate to House Bill No. 811, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, re-use, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

SENATE INSISTS UPON ITS AMENDMENTS NON- CONCURRED IN BY THE HOUSE TO HOUSE BILL No. 811.

Mr. ZIESENHEIM. Mr. President, I move that the Senate insist upon its amendments non-concurred in by the House to House Bill No. 811.

Mr. CROWE. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to introduce a bill at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in place and presented to the Chair Senate Bill No. 1189, entitled:

A Joint Resolution proposing an amendment to section four article two of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

REPORTS FROM COMMITTEES

Mr. MILLER. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MILLER from the Committee on Military Affairs reported as committed, Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN, from the Committee on Appropriations, re-reported as committed, Senate Bill No. 1051, (House Bill No. 573) entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

Mr. KEPHART. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KEPHART, from the Committee on Agriculture, reported as amended, Senate Bill No. 1117, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce."

Mr. THOMAS. Mr. President, I ask unanimous consent to make report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS, from the Committee on County Government, reported as amended, Senate Bill No. 1146, (House Bill No. 1323) entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments, boards and commissions for their respective purposes.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 415, (House Bill No. 653), entitled:

An Act to add clause eighteen A to section three of article nineteen of the act approved the seventh day of March one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class" authorizing cities of the second class to impose and collect charges for the care and treatment at municipal hospitals of persons who are financially able to pay the expenses of such care and treatment.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 616, entitled:

An Act to further amend clause Six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred twenty-three (P L 858) entitled, "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employees serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" providing that officers and employees of the Department of Public Instruction including State Teachers Colleges who are not members of or who may withdraw from the public school employee's retirement association may become employees of the State Employees' Retirement Association and receive credit for their service.

And said bill having been read at length the second time, and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 617, entitled:

An Act to further amend clause seven of Section one of the act approved the eighteenth day of July, one thousand nine hundred seventeen (P L 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees. defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties;" extending the time for officers and employees of the Department of Public Instruction including State Teachers Colleges to withdraw from the Retirement System and receive reimbursement for moneys paid in.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 634, (House Bill No. 974), on second reading, entitled:

An Act to amend article twelve section one thousand two hundred six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P L 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Common-

wealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by providing for the issuance of a certificate of approval for weights and measures of county city and borough sealers.

be postponed for the present.

Mr. Miller. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 728, (House Bill No. 179), entitled:

An Act validating the title to real estate purchased at judicial sales for unpaid taxes or municipal assessments where there is a deficit in the names of the parties in certain cases and providing certain exceptions.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 760, (House Bill No. 739), on second reading, entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P L 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employee

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILLS POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 770, (House Bill No. 1198), on second reading, entitled:

An Act to add subdivision (e) to article two and to

amend section eight hundred five of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more by referendum, and prescribing the procedure therefor

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move the further consideration of Senate Bill No. 809, (House Bill No. 215), on second reading, entitled:

An Act to further amend sections one and four of the act approved the sixteenth day of May one thousand nine hundred and nineteen (P. L. 180) entitled "An act providing a method of establishing title to land acquired at a sale for unpaid taxes or municipal claims" extending the provisions of said act to include land acquired at city treasurer's sales for unpaid taxes and providing that in certain cases notice of the proceedings by advertisement shall be deemed a good and sufficient service

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move the further consideration of Senate Bill No. 819, (House Bill No. 1326), on second reading, entitled:

An Act to amend sections three and four of the act, approved the thirtieth day of March, one thousand nine hundred three (P. L. 110), entitled "A supplement to an act, entitled 'An act regulating the construction, maintenance, alteration, and inspection of buildings and party walls in cities of the second class,' approved the seventh day of June, Anno Domini one thousand eight hundred and ninety-five; regulating the construction, alteration and ventilation of tenement-houses, and providing for the safety of the inhabitants thereof; and providing penalties for the violation of the same," further regulating the erection, alteration and ventilation of certain tenement houses

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I move the further consideration of Senate Bill No. 820, (House Bill No. 1327), on second reading, entitled:

An Act to amend section six and to further amend section eleven of the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (P. L. 596), entitled "An act requiring cities of the second class to establish a pension fund for employes of said cities, and regulating the administration and the payment of such pensions," restricting the right of per diem employes to join such pension system, and giving peace time drafted employes credit for the time spent in the services of the United States

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 890, (House Bill No. 139), on second reading, entitled:

An Act to amend section one of the act which became

effective on the seventh day of July one thousand eight hundred and seventy-nine (P. L. 194) entitled "An act to enlarge the jurisdiction of justices of peace and regulating the fees of constables making sales under this act" further enlarging the jurisdiction of justices of the peace and extending the provisions of said act to aldermen.

be recommitted to the Committee on Judiciary Special.

Mr. JAMES. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. COLEMAN. Mr. President, I ask that the roll be called on the motion to recommit this bill.

(The following occurred during the calling of the roll:)

Mr. KEPHART. Mr. President, I ask that the roll be verified.

The PRESIDENT. The roll will be so verified.

The Clerk will call the names of those voting in the affirmative.

Bartlett,	Farrell,	Miller,	Wade,
Becker,	Geltz,	Scarlett,	Watkins,
Carr,	Heyburn,	Snowden,	Wilson, H. I.,
Chapman,	Homsher,	Stevenson,	Woodward,
Crider,	James,	Tallman,	Ziesenheim,
Crowe,	Kephart,	Thomas,	Ealy,
Edmonds,	Mallery,		Pres. Pro. Tem.

The PRESIDENT PRO TEMPORE. Are there any corrections?

Mr. COLEMAN. Mr. President, I desire to inquire how the gentleman from Delaware, Mr. Heyburn is recorded as voting? I did not hear him vote.

The PRESIDENT PRO TEMPORE. There was no answer when the name of the gentleman from Delaware was called.

Mr. COLEMAN. That is correct, Mr. President. I suggest that the name of the gentleman from Delaware be stricken from the affirmative roll.

The PRESIDENT PRO TEMPORE. It is so ordered. Are there any other corrections in the affirmative vote? The Chair hears none.

The affirmative roll will stand as verified.

The Clerk will call the names of those voting in the negative.

Barr,	DiSilvestro,	Lanlus,	Shapiro,
Coleman,	Haluska,	Mundy,	Stiefel,
Dent,	Jaspan,	Ruth,	Taylor,

The PRESIDENT PRO TEMPORE. Are there any corrections in the negative vote. The Chair hears none. The negative vote will stand as verified.

Mr. CROWE. Mr. President, I desire to be recorded as voting "aye".

Mr. COLEMAN. Mr. President, I dislike intensely getting highly technical in the matter of recording votes, but my good friend from Monroe, Senator Crowe, was not in the room when the affirmative roll was verified and accordingly he has no right to be recorded on the affirmative roll.

Mr. GELTZ. Mr. President, the final vote was not announced and the gentleman from Monroe has the privilege of being recorded up until that time.

The PRESIDENT PRO TEMPORE. The Chair must rule the vote of the Senator should be recorded. However, an inspection of the roll would seem to indicate it would not make much difference. The vote on the motion to recommit is 26-12. The motion accordingly prevails.

The yeas and nays were required by Mr. KEPHART and were as follows, viz:

YEAS—26

Bartlett,	Farrell,	Scarlett,	Watkins,
Becker,	Geltz,	Snowden,	Wilson, H. I.,
Carr,	Homsher,	Stevenson,	Woodward,
Chapman,	James,	Tallman,	Ziesenheim,
Crider,	Kephart,	Thomas,	Ealy,
Crowe,	Mallery,	Tyler,	Pres. Pro. Tem.
Edmonds,	Miller,	Wade,	

NAYS—12

Barr,	DiSilvestro,	Lanus,	Shapiro,
Coleman,	Haluska,	Mundy,	Stiefel,
Dent,	Jaspan,	Ruth,	Taylor,

So the question was determined in the affirmative.

Mr. CROWE. Mr. President, for the information of the gentleman from Lackawanna, I voted before I left the Senate Chamber and when I returned I thought it was another bill and wanted to be recorded as voting "aye", thinking it was another bill.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 897, (House Bill No. 834), entitled:

An Act requiring persons selling "merchandise" as herein defined to place weighing and measuring devices in full view of the purchasers imposing certain duties on the Department of Internal Affairs and the several county and city inspectors of weights and measures and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 908, entitled:

An Act to amend section seventeen of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 415), entitled "An act relating to the qualification jurisdiction, powers, and duties of registers of wills, and regulating proceedings before said registers, and the costs thereof, the effects of their acts, and appeals therefrom," further regulating proceedings before the register of wills and in the orphans' court.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 911, on second reading, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 924, (House Bill No. 1035), on Second reading, entitled:

An Act to further amend clause ten of section one of the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," further defining "new member"

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 935, entitled:

An Act to amend sections six hundred four, six hundred five, and six hundred seven and to further amend section two thousand four hundred seven of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant-Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of the Department of Internal Affairs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 957, (House Bill No. 529), on second reading, entitled:

An Act to further amend section 571 of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that the

tax collector shall give but one bond for the collection of township county and institution district taxes and changing the conditions of such bond.

be recommitted to the Committee on County Government for the purpose of further consideration.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 961, (House Bill No. 654), on second reading, entitled:

An Act authorizing counties, cities, except cities of the first class, boroughs towns townships school districts poor districts and institution districts at any sale of real property for the nonpayment of taxes or municipal claims to take title jointly in proportion to their tax claims provide for the management of such real property and for the resale and conveyance of their interests to a purchaser.

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 977, (House Bill No. 1230), entitled:

An Act to further amend section one and to amend section three of the act approved the fourteenth day of May one thousand nine hundred and twenty-five (P L 730) entitled "An act for the protection of the public health in the manufacture and sale of carbonated beverages and still drinks providing for the registration thereof prohibiting the sale offering or exposing for sale exchange or giving away thereof in certain cases unless registered regulating the manufacture bottling preparation mixing and compounding of carbonated beverages or still drinks and the sale and dispensing thereof creating a special fund in the State Treasury and providing penalties" by excluding certain juices and combinations of juices from the operation of the act, and requiring separate registration for each bottling or manufacturing plant.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1000, (House Bill No. 567), entitled:

An Act to reenact and amend the title and the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 748), entitled "An act for the registration and regulation of certain individuals and entities selling contracting to sell or dispose of attempting or offering to dispose of soliciting offers to buy or inducing holders thereof to exchange securities defined herein including securities issued by them or engaging in the business of inducing holders of securities to effect the sale thereof in order to produce funds to pay for other in-

vestments sold by them or in the business of buying securities directly from individuals who are not registered thereunder providing for the revocation and suspension of registrations conferring powers and imposing duties on the Pennsylvania Securities Commission and otherwise providing for the administration of this act providing for appeals to the Court of Common pleas of Dauphin County and to the Supreme Court of Pennsylvania conferring jurisdiction upon the several courts of common pleas to issue injunctions against violations of this act and prescribing fees and penalties" by providing for the registration and regulation of persons and entities engaged in the business of investment advisers and of solicitors of investment advisers and for the revocation and suspension of such registrations conferring additional jurisdictions upon the courts of common pleas and further regulating the business of buying and selling securities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1001, (House Bill No. 750), entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to convey to the county commissioners of Somerset County certain real property located in said county and heretofore acquired by the Commonwealth for development as an airport.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1028, entitled:

An Act declaring that the soil under tidal waters within the boundaries of the Commonwealth belongs and has always belonged to the Commonwealth of Pennsylvania vesting in the Navigation Commission for the Delaware River and its Navigable Tributaries the supervision, management and control thereof, directing the said Commission to require all persons, firms or corporations desiring to dig, dredge or remove any sand, gravel or other soil under tidal waters of said river and its tributaries to obtain a license for so doing and to pay a reasonable royalty to be fixed by said Commission for the use of the Commonwealth, and providing penalties for the digging, dredging or removal of sand, gravel or other soil without procuring such license and entering into such agreement.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1037, on second reading, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-three (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of

insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regards thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age

go over in its order.

The PRESIDENT PRO TEMPORE. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1054, entitled:

An Act to amend sections four, five, thirty, thirty-one, and thirty-eight of the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," extending the powers and duties of the registration commission and further regulating the check-up of electors and the cancellation of their registrations by the commission.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1080, (House Bill No. 1636), entitled:

An Act authorizing the Secretary of Property and Supplies to give and transfer certain visual and radio aviation navigational aids to the Federal Government.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1082, (House Bill No. 1658), on second reading, entitled:

An Act to further amend the first paragraph of section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class" by further regulating the manner of letting contracts relating to city affairs

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1083, (House Bill No. 1670), entitled:

An Act validating the action of cities of the third class in constructing sections of their sewer systems outside of their territorial limits and making such sections lawful sewers of such cities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1108, (House Bill No. 820), entitled:

An Act to amend section one of the act approved the second day of May one thousand eight hundred and ninety-nine (P. L. 184), entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" as amended exempting from the mercantile license tax so much of the business of manufacturers producers and mechanics as comprises the vending of goods of their manufacture or production from their factories places of production, loading pockets, places of storage and workshops.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. GELTZ. Mr. President, I move that further consideration of Senate Bill No. 1122, (House Bill No. 1197), on second reading, entitled:

An Act to amend Sections 201 202 204 205 211 and 805 of the act approved the fourth day of May one thousand nine hundred twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" changing certain provisions relating to the incorporation of new boroughs and providing for the incorporation of boroughs from townships of the first class having a population of eight thousand or more and for the organization of the government therein

be postponed for the present.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1169, entitled:

An Act to further amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief Board," limiting the grant of public assistance to unemployable persons; substituting the Department of Welfare for the Department of Public Assistance abolishing the Department of Public Assistance and the State Board of Public Assistance and imposing certain duties in respect to employable persons on the Department of Labor and Industry.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS THE SENATE

Mr. SHAPIRO. Mr. President, I ask permission to address the Senate.

The PRESIDENT PRO TEMPORE. The gentleman from Philadelphia will proceed.

Mr. SHAPIRO. Yesterday, Mr. President, on the third reading calendar Senate Bill No. 680 appeared, and after discussion with the gentleman from Allegheny, Mr. Geltz, to whom I had suggested some objections to this bill, he told me the bill had been placed on the postponed calendar.

The PRESIDENT PRO TEMPORE. To which bill does the gentleman from Philadelphia refer?

Mr. SHAPIRO. To Senate Bill No. 680, on page 5 of today's Calendar. The bill was to go over in its order and I assumed the bill would remain in that condition, because I had discussed this bill with some of the sponsors, particularly the banking interests, and had pointed out some defects in the bill and they had agreed yesterday to prepare some amendments. I had expected to offer those amendments late today or tomorrow when I came here. I reminded myself of the bill today and sent a telegram to the gentleman from Allegheny, Mr. Geltz, which I understand he got perhaps twenty minutes after the bill had been passed. I sent the telegram around four o'clock I think.

Now, Mr. President, this is one bill which I think would change a fixed custom of the Commonwealth of Pennsylvania. For years this is one of the few states that has refused to go along with chattel mortgages, and according

to this bill every piece of furniture in a household can now be placed in a warehouse to satisfy a chattel mortgage.

The objections to this bill which I suggested and discussed with the bankers seem by them to be valid. The banking interests want this bill because the Federal Government is willing to make loans to industry, but they can not get any security for them and were willing to take machinery and plant equipment where a mortgage does not cover it.

Mr. President, it seems to me in view of those circumstances, I am not out of order in suggesting now, and I hope my colleagues will agree, that the vote by which this bill passed third reading be reconsidered.

The PRESIDENT PRO TEMPORE. The Chair is informed by the Librarian the bill has passed out of the possession of the Senate and therefore must first be recalled before such action could be taken.

Mr. SHAPIRO. Mr. President, in that event there is nothing to be done about it except I shall prepare a motion recalling the bill from the Governor and I hope my colleagues will join with me in voting for the recall resolution.

QUESTION OF PERSONAL PRIVILEGE

Mr. MUNDY. Mr. President, I rise on a question of personal privilege.

The PRESIDENT PRO TEMPORE. The gentleman from Luzerne will proceed.

Mr. MUNDY. Mr. President, today the members of the General Assembly heard and saw a demonstration in person and heard a glorious glorification of Washington Irving and his Rip Van Winkle. There has been a sequel written in the House which should be called "The Awakening of Rip Van Winkle."

For months, Mr. President, on several occasions, I have stood on this floor and asked if it were not possible that a committee from both sides of the Assembly meet to discuss legislation which had an even chance of passing, and that we should decide then and there where we were going and what we were going to do and the method of doing it. I was met often and frequently by the statements of members on the other side that they would like to have the opinion of the Governor of the State of Pennsylvania, but were unable to obtain it, and I know personally that many members on the Republican side, including its leadership, have gone to the Governor of Pennsylvania seeking his advice, only to be refused, and I have read in the papers time and time again that the Governor of Pennsylvania intended to stay aloof and permit the Legislature to conduct its own business along its own line of thought.

So, this gentleman who took unto himself all the appearance of a gentle little dove sitting over in the Executive Mansion did not fool me a bit, because I know him well enough to know that he has always had all the instincts of a homing pigeon. Today, gentlemen, whether you like it or not, he got himself into the class of the bird they call the "cuckoo." The cuckoo is a bird that lays its eggs in another bird's nest and expects that bird to hatch them out.

He vigorously and viciously assaulted this Legislature for not having fulfilled the promises that he so freely and glibly made during the campaign. He neglected to say, when his expression was so tense and he enunciated so

readily with that vigorous nasal accent, he forgot to say what he had done with the promises he made from all the street corners and the public meeting places, to labor; he assiduously avoided any reference to what he was going to do for the poor downtrodden men who labor in and about the mines—you will remember from which he said he originated—and with the same flow of publicity that overnight created a good surveyor into a breaker boy, he now comes before us and cries that the Legislature and the leadership of the Democratic party have prohibited him from fulfilling his promises to the people of Pennsylvania.

I heard him on the square in Bloomsburg one night, in the same dramatic appeal he has made to you gentlemen today, saying "I shall give to every man and woman in Pennsylvania that needs a job, a job," and now today he tells you over there that the Democratic members of the Senate and of the House, were dead-head riders on the Roosevelt express. Well, I want to tell you, gentlemen, that if there was ever a dead head rider on the Roosevelt express, you have got it over in the Executive Office, because if Mr. Roosevelt's express had not come along, he would have been in a sad predicament trying to fix his budget today, and I want to tell you this because I think, like Rip Van Winkle, the Governor of Pennsylvania was really a casualty when the Willkie express passed by.

Now, Mr. President, he says he blames the Democratic leadership in the House, and the Democratic small minority in the Senate, for obstructing his program, and he says he is not able to pay the institutions the money that is due them. Well, I know the gentleman from Philadelphia, Senator Shapiro, and many of us, got up on the floor when he was borrowing money and asked him and asked you people over here to pay that money back to the funds in the biennium during which you borrowed it and you refused to do it. What did you do? You put it over in this biennium, and if there is any embarrassment to the Governor of Pennsylvania in fixing his budget, you, his Republican majority, which he should have advised and did not advise, because you could not contact him, have furnished him the embarrassment and certainly not this side of the Senate, and when a man gives long distance checks or when he signs notes, he should not be so careless as the Chief Executive, because he should realize there is a due date on them, sometimes they are coming due, and he should prepare to meet them and not put the responsibility on someone who is not a signator to the document.

Now, if you were fooled by his eloquence, or fooled by his oratory, you certainly have been fooled, even you of the Republican majority, by his conduct towards you for approximately two years. If there is any man on that side who can rise after I get through and honestly say that the Governor of Pennsylvania gave him any constructive advice on anything that came before the Senate, then I shall apologize to that gentleman, but he has developed a resistance even to you at twenty feet, he gets in his shell and develops that resistance, because he thinks you are going to ask him for something, he thinks probably you are going to ask him for a job. After all, he is the great economist of this age, and he is not going to give any jobs even to deserving Republicans, and he talks about efficiency and restrictions and what he saved on the budget. Why, gentlemen, if he spoke half truthfully to you about his reduction of force around Capitol

Hill—and at the same time reduction of service to the public, don't you forget—why he should not be coming in to us now crying at the last minute for us to rush to his salvation and to agree with him, and I say to you, gentlemen, that it is human nature, that this man should refuse absolutely to come and talk or discuss anything with anybody, that man suddenly ascends the dais, with a club in his hand and says, "I am authority, I, Arthur James, I am Arthur James, Governor of Pennsylvania, I am the constituted authority, and don't you dare disagree with me." If that is not dictatorship, I do not know what kind of a land we are living in or what we are associated with today, because we, who represent the people of Pennsylvania, dare disagree with His Exalted Excellency, the Governor of Pennsylvania, he berates us and calls us names over in the House today. This same shrinking violet suddenly develops into a militant giant, who is going to run roughshod over the Legislature of Pennsylvania, and if that ex-breaker boy from the anthracite wants to stay here all summer, you can convey the message to him I will bring my golf clubs down with me, and I know I will find lots of kindred souls on both sides, and we will stay here until he gets ready to thaw out.

Mr. WATKINS. Mr. President, I have listened to the sarcastic and acrimonious remarks of the gentleman from Luzerne, Dr. Mundy, with regard to the Governor of Pennsylvania, for the last time without saying something in reply.

It seems to me in the last week in this Senate and here today we have seen an example of democracy at work at its worst. It seems to me we forget here in the Legislature of Pennsylvania that back home the people are watching what we say and what we do.

Mr. President, I was taught in school that theoretically the best kind of government is an absolute monarchy and that theoretically the worst kind of government is an absolute democracy. I said theoretically because in practice, where human nature enters in, absolutism is the worst form of government. The reason why these theorists tell us an absolute monarchy is the best kind of government is because you can place responsibility on the one man and say to that one man "it is your fault for the policy you adopt, but we give you credit for the benefits that come from your wise program"; and the reason an absolute democracy does not work is because of the red tape, waste, inefficiency and irresponsibility that results from all the people trying directly to govern themselves, which eventually ends in chaos and anarchy. Somewhere between these two we thought we had found an ideal kind of government—representative democracy, wherein the people select their representatives in the legislative, executive and judicial branches of our government, and in doing that we try to say to the people we are going to try to make them responsible, so that graft, so that inefficiency, so that red tape, so that all the arguments that are used by those opponents of democracy, of which we have so many today, point their fingers of scorn at democracy, may be rebutted.

Today, Mr. President, we have only two last bulwarks of democracy, England and the United States of America, and the whole world is on fire and democracy itself lies at stake, and while that is going on, here in Pennsylvania we have the Lower House and the Upper House quarreling about figures, and we are giving an example to the

people of the Commonwealth of how democracy does not work and building up arguments for its enemies.

What is an estimate budget but a guess? The Governor of Pennsylvania took his figures from the financial experts of the state government and has said "This is the income of the Commonwealth based on expert opinion." The gentleman from Philadelphia, Senator Shapiro, and his friends over in the House take another figure. All we are quarreling about is whose guess is right, and no matter whose we take, whether we take the guess of the gentleman from Philadelphia, Mr. Shapiro, or whether we take Governor James' estimate of the budget income as the accurate amount upon which we can estimate, after all, we have to say that responsibility for the guess will rest with the present administration.

Is it not fair to say that the responsibility of the James Administration for the four years of his governorship is that of Governor James and the Republican Party? Therefore, is it not fair for us to say to the members of the House, "You have told the people these figures are not right and you have made an effort to have your figures accepted by the Republican members of the Senate and the Governor of Pennsylvania, but they say they will not accept them." Haven't you then fixed responsibility?

Is it not fair, after you have fixed responsibility for the guess and after the Governor has publicly taken responsibility for the guess, to let the Governor's figures stand and go along with the Senate and Governor, and not ask the Senate and the Governor to go along with the House, which is in effect asking us to say "let the tail wag the dog."

After the figures are accepted; who is going to be blamed if the guess of the Governor is wrong? The Governor of Pennsylvania and the Republican members of the Senate; and if we accept the figures of the gentleman from Philadelphia, Senator Shapiro, and they do not prove to be correct, who would be blamed? The Governor of Pennsylvania and the members of the Senate, because any intelligent man would certainly say the House could not put their program through when the Republicans control both the executive branch and the Upper House of the Legislature.

I think it is silly and we are showing a bad example in these days when democracy is on trial. Why can't the Democratic Party say to the people "We have tried to convince the Governor of an error in his computation but because it is his duty as Governor to make the computation and because we could not convince him of his error, we accepted his figures, but the result will be his responsibility and the responsibility of the Republican Party." The people will then decide after they view the results.

Let us not, as we have in the last two weeks, give one exhibition after another of how democracy does not work and give more ammunition to the guns of those people who have been shooting at the inefficiency, the red tape, the lack of responsibility and all the things that they point to as evils in a democracy.

Let us, all of us together, give an example, especially in this day when the whole world is on fire, and the United States of America stands at the crossroads of a history making decision, and Pennsylvania is trying to become the arsenal of America, let us get together and accept the figures the experts give us, pass the appropri-

tion bill, and say to the world at large "This is a democracy, whether we have Republicans or Democrats in the Legislature, or as our chief executive, and that democracy can work and democracy does work in Pennsylvania."

Mr. DENT. Mr. President, I want to keep myself calm. I too listened to the speech of the Governor this afternoon, and if any sarcasm has entered into it, remember we were not the ones who made mention of the dead heads who rode the Roosevelt express, but as one dead head who just happened to catch the last caboose, I want to say to all of you that the Roosevelt express had a capable, competent engineer, and a full crew of good workmen, and the James slow freight has neither. -

Mr. President, I want to say to the members of the Senate when the Governor of this state tries to lay the blame upon the Democratic majority of the House who are functioning in their proper sphere in one of the three branches mentioned by our good Senator from Schuylkill, the legislative branch, if you please, it is their responsibility, when bills pass that House with their votes, they are the ones held accountable by the people of Pennsylvania and not the Governor, who as I understand our democracy and our Democratic form of government, belongs to the administrative and executive branch. Why, Mr. President, I can remember, back in 1935, when the Republican Senate went on a sit-down strike and you called it a safety valve. Now, we are humbugs and frauds. It seems to me it all depends on whose ox is being gored and just what you can be called for doing the same thing.

If this Governor would have listened and taken the advice of the Democratic minority in 1939, there would not have been any necessity for a special session, to come back and appropriate more money for exactly the same thing that we said he would have to do.

I remember when we had a special session, the Philadelphia Inquirer every day printed a picture of the number of pair of shoes it would buy for the poor people if we would have gone home, but I never saw that parallel used when James spent more than \$300,000 to do exactly what this so-called humbug and fraud minority told him he ought to do in 1939, and that is a matter of record.

I also want to say I think he pulled one of the meanest political tricks in the whole bag of political tricks. He sits over there night and day in a plush lined seat and does not do anything about this dead line that is creeping up on him, until the eleventh hour, and then right at the stroke of midnight, right before Cinderella turns back into the little poor girl that she was, and her coach turns back into a pumpkin, James becomes himself again and the little Cinderella of the Republican party says to us, "you will do what I say, you will pass this budget, you will pass these appropriations, because I refuse to surrender." I want to say to you that I as a Democratic Senator, stand today where I have stood for the last six years, and in the matter of legislation pertaining to the poor underprivileged people, in the matter of legislation pertaining to workmen in this State of Pennsylvania, unemployment compensation, anti-injunction laws and all those laws that belong to labor and their bill of rights, I say to the Governor that he may not surrender but I refuse to retreat. If he wants to stay here all summer, I want to say to him I understand you can keep cool in

Harrisburg a darn sight better than you can out in western Pennsylvania where we do not have air conditioning.

Let me say in conclusion I did not want to go into this, but I happened to notice he tries to tell the people that two hundred some hospitals, mind you, he blames the Democrats because those hospitals did not get their checks on time. Why, some of them have not received any checks for over a year, and we have not been in session that long. He tries to blame the Democrats for conditions in the state-aided welfare institutions.

I want to say to the Governor we are working on next year's business, if you please, and if he would get off of that slow freight and get on the caboose with me, riding the Roosevelt express, he would keep up to date, whereas he is now working on last year's business. I could go through this thing and pick out a lot of things, but what is the use.

The one point I want to make clear is this, that the Democratic controlled House is operating in its proper sphere and functioning in a democracy and they did not seize control of the House of Representatives, as he says in his speech; they were elected by the people of this Commonwealth and the control was given to them by the mandate of the majority of the people of this Commonwealth. They did not go in and seize it, but he would endeavor to seize the duties and the jurisdiction that belongs to the House of Representatives and say to them, "this is my budget, this is my figure, you will take my plan or else."

Let me remind you of something, and I am going to call a turn here, just like we called the turn in 1939: I say it would be far better if we accepted the figures which on the basis of increased activities in the State of Pennsylvania, increased activities in national defense, are more apt to be sound than those that are based upon last year's business, if you please. If you do not take the Democratic version of the budget, you are going to have a special session and then when you have a special session, little Cinderella will come up and he will say to the people of Pennsylvania, "by my own economies—(did you notice how many times he said 'I')—by my economies, by my great administration, I have effected tax reductions." We Democrats know there is going to be a tax reduction but it is not because of what he has done, it is because of what Hitler and Mussolini are doing over in Europe.

We are making a lot of guns for the people who are trying to stop him but by making those guns and other war materials we hope not to make ammunition for the 1942 campaign for Governor James.

Mr. President, there will be a special session and he will ask for tax reductions and he will take credit for them. That is why he wants his budget to go in, and not our budget which takes and considers the fact that there are increased incomes to the State of Pennsylvania, and we now make appropriations to spend that money which we know will come in.

I imagine someone else on the Democratic side will give you the figures on that, and if he does you can go back to your books and find out he is pretty nearly always right in the figures that he gives on the needs for the next biennium, and I want to assure the Senator from Schuylkill that we Democrats are just as anxious to give an

example of Democracy at work as he is or his colleagues.

Mr. President, I do not entirely approve of certain individuals who are out on the radio blasting the national policies of this great country, certain individuals who give aid and succor, if you please, to enemies of this democracy, but I hear no voices raised against them, I do not hear anybody condemning Lindbergh for showing how democracy does not work; I do not hear them squawking about Bert Wheeler for showing how democracy does not work, but in our little way here we are trying to function as representatives of the people and if we do not agree with the Governor you can rest assured that is an honest disagreement. We have had examples of his figures and they have not been right and so I say we are entirely right in assuming he is not right this time.

MOTION TO READ BILLS THE FIRST TIME

Mr. GELTZ. Mr. President, I move that the Senate do now proceed to the first reading of all bills reported from committees for the first time at today's session.

Mr. JAMES. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 313, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," prescribing the compensation of officers and professional employes of school districts and saving their rights under the Public School Employes Retirement System, and to salary increments.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 372, (House Bill No. 581), entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 440, (House Bill No. 251), entitled:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employee or any other party in interest against the fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 589, (House Bill No. 1092), entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine adopted the nineteenth day of February one thousand nine hundred forty-one.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 939, (House Bill No. 61), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 940, (House Bill No. 266), entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 942, (House Bill No. 280), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 943, (House Bill No. 281), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 944, (House Bill No. 284), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 945, (House Bill No. 291), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 946, (House Bill No. 301), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 948, (House Bill No. 317), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 949, (House Bill No. 322), entitled:

An Act making an appropriation from the Game Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 950, (House Bill No. 333), entitled:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Re-

tirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 951, (House Bill No. 347), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care, treatment, removal, and maintenance of the indigent insane in The Dixmont Hospital, at Dixmont, Allegheny County.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 953, (House Bill No. 351), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 954, (House Bill No. 371), entitled:

An Act making an appropriation to the Department of Forests and Waters, for the use of the Valley Forge Park Commission in payment of lands acquired by condemnation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 955, (House Bill No. 378), entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 956, (House Bill No. 489), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 960, (House Bill No. 614), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 967, (House Bill No. 1003), entitled:

An Act making an appropriation to the Moore Institute of Art, Science and Industry formerly Philadelphia School of Design for Women at Philadelphia, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 968, (House Bill No. 1065), entitled:

An Act making an appropriation to the National Farm School at Doylestown, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 969, (House Bill No. 1066), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 970, (House Bill No. 1068), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 971, (House Bill No. 1083), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 972, (House Bill No. 1106), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania located at East Falls Philadelphia Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 979, (House Bill No. 1321), entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 980, (House Bill No. 1330), entitled:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board, to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 981, (House Bill No. 1332), entitled:

An Act making an appropriation from the Motor License Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 982, (House Bill No. 1334), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 983, (House Bill No. 1343), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 984, (House Bill No. 1344), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 985, (House Bill No. 1345), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 987, (House Bill No. 1417), entitled:

An Act making an appropriation to The General State Authority to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 992, (House Bill No. 1590), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 993, (House Bill No. 1591), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1012, (House Bill No. 1418), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1013, (House Bill No. 1419), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1030, (House Bill No. 931), entitled:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring

powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for collection purposes in tax duplicates of the county or school districts of the taxes due to vocational school districts and the separate accounting and return thereof and making further provision with reference to the bond of tax collectors.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1050, (House Bill No. 305), entitled:

An Act making an appropriation to the Elwyn Training School, at Elwyn, in the County of Delaware, Commonwealth of Pennsylvania; and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1057, (House Bill No. 267), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1058, (House Bill No. 300), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1059, (House Bill No. 472), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1064, (House Bill No. 848), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been

changed from a fourth class district to one of another class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1066, (House Bill No. 1203), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for Medical education.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1070, (House Bill No. 1331), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State Employees receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1071, (House Bill No. 1380), entitled:

An Act to further amend the Act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two or on the basis of salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1074, (House Bill No. 1470), entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school un-

adjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1113, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, by providing a fixed method for the computation of time vesting power of appointment and dismissal of employees of commission in the chairman; providing that the Governor shall designate the chairman; changing the period for registration, reducing number of registers and registration cards; providing for posting street lists; reducing period for cancellation of registration to two years; changing period of time for sending in removal notices; changing party enrollment, and filing and hearing strikeoff petitions; imposing duties on certain city officials and others relative to permanent residents of hotels, tenements and lodging houses; providing for the removal of the Commission and the Registrar of Vital Statistics; making clarifying provisions; repealing ineffective provisions; increasing power of the Courts on hearing appeals, establishing a merit system, and imposing additional penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1114, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1117, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce: providing for

the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeding to the first reading and consideration of Senate Bill No. 1142, (House Bill No. 723), entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1146, (House Bill No. 1323), entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments, boards and commissions for their respective purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1162, (House Bill No. 1660), entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Common-

wealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1164, (House Bill No. 1676), entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518), entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1172, entitled:

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

RECONSIDERATION OF SENATE BILL No. 680, (HOUSE BILL No. 869)

Mr. GELTZ. Mr. President, on page 5 of today's Calendar there appears Senate Bill No. 680, (House Bill No. 869), which is the bill referred to by the gentleman from Philadelphia, Senator Shapiro, and which he was informed had passed out of the hands of the Senate, but we now find it has not.

Mr. GELTZ. Mr. President, I move that the Senate do

now reconsider the vote by which Senate Bill No. 680, (House Bill No. 869), entitled:

An Act to amend the act, approved the fifteenth day of July, one thousand nine hundred thirty-six, (P. L., First Extraordinary Session, 47) entitled "An act to enable persons, associations, partnerships, and corporations to borrow money and secure the repayment thereof by the execution and recordation of chattel mortgages on any chattels of any kind or description providing for bonds with confessions of judgments; regulating the assignment and release of such mortgages; and designating the operation and effect of the lien of such mortgages" by extending, enlarging, and removing the limitations from the class of those who may become chattel mortgagees; by making further provision respecting fees of recorders of deeds in connection with chattel mortgages, extension of the lien of said mortgages and defaults of said mortgages; and by defining violations and prescribing penalties.

was passed finally, June 11, 1941.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. GELTZ. Mr. President, I voted "aye."

Mr. MILLER. Mr. President, I second the motion.

The PRESIDENT PRO TEMPORE. How did the Senator vote?

Mr. MILLER. Mr. President, I voted "aye."

The motion was agreed to,

The PRESIDENT PRO TEMPORE. The Chair is informed this bill is now in possession of the Senate, and therefore the motion just adopted was in order.

The bill will appear on the Calendar for June 12th on final passage.

PERMISSION TO ADDRESS THE SENATE

Mr. SHAPIRO. Mr. President, I ask permission to address the Senate.

The PRESIDENT PRO TEMPORE. The gentleman from Philadelphia, will proceed.

Mr. SHAPIRO. Mr. President, I did not have the privilege of listening to the address by the Governor to the General Assembly this afternoon but I had the equal privilege of attending the graduating exercises of my son, and at the same time I took great pride in the fact that one of Pennsylvania's officials was honored, extremely honored, by the University of Pennsylvania.

Mr. President, I refer to Dr. Shaw, our Department of Health Director; I was pleased at the fact that one of the things stressed in conferring the degree of Doctor of Science upon Dr. Shaw was in connection with his activities relative to pulmonary tuberculosis in the Commonwealth of Pennsylvania and I want to say I was proud of that fact, even though he happens to be of opposite political faiths.

So, Mr. President, while I missed the pleasure of hearing the Governor's address, which I would have listened to with interest, I had a compensating pleasure.

I have hurriedly glanced over the address of the Governor, which the Senator from Delaware was kind enough to give me, and I find while I was paying very little attention to the matters that have been referred to on the floor, which I think have no place in any fiscal program of the state, there are one or two important points which the Governor made which do require particular attention.

I do not claim to be a financial wizard, I do not claim to be anything but human, and if I am human I err, can err.

If there has been a mistake in any of the figures of the budget, they ought to be corrected.

I do think however, Mr. President, this address by the Governor requires consideration before answer, and I am going to read the address and I am going to try to see if by making an answer I can help solve the problem. I do not propose to get into a personal argument with the Governor because, as I have frequently said, while this Governor is not my candidate, he is my Governor and I propose to treat him as long as it is humanly possible upon that basis.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Thursday, June 12, 1941, at 12:30 o'clock, p. m., Eastern Standard Time.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:35 o'clock p. m., Eastern Standard Time until Tuesday, June 12, 1941, at 12:30 o'clock p. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

WEDNESDAY, June 11, 1941

The House met at 12 m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

O God, our Father, as we awakened this morning, may we have looked out of our windows and beheld once again the beauty and glory of this new day. As we find our life bound up in the lives of other men within our State and Nation, may we realize that there are those who hunger and toil, those who suffer, those who aspire to greater heights, yea, all manner of men are linked up in the making of that which we call civilization.

Many long for a sign of recognition or a revealing word of kinship. Teach us, that we may come to know how Thy spirit flows through those who strive with love and intelligence to overcome misery and injustice. Be Thou our helper in the tasks that are ours this day. This we ask in Jesus' name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. LYONS, unanimously agreed to, the further reading was dispensed with and the Journal approved.

WILLISTOWN CONSOLIDATED SCHOOL WELCOMED

The SPEAKER. The Chair welcomes to the House this afternoon graduates of the Willistown Consolidated School who are guests of the gentlemen from Chester, Messrs. Leisey, Gyger and Rank.

BILL INTRODUCED AND REFERRED

By Mr. HERMAN. HOUSE BILL No. 1840.

An Act making an appropriation to the Board of

Finance and Revenue for the purpose of reimbursing persons firms corporations or partnerships for interest charges incurred by them due to the failure of the Commonwealth to pay contract obligations for printing paper or binding furnished to the Commonwealth by such persons firms corporations or partnerships within the fiscal biennium for which such printing paper or binding was contracted for under certain conditions.

Referred to the Committee on Appropriations.

SENATE MESSAGES

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 1095. (HOUSE BILL No. 1841).

An Act to further amend paragraph nineteen of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for minimum salary and increments of part-time teachers of children of exceptional physical or mental condition unable to attend regular public school and for payments by the Commonwealth on account thereof.

Referred to the Committee on Education.

SENATE BILL No. 1102. (HOUSE BILL No. 1842).

An Act to further amend the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 13), entitled "An Act for the protection of the public health by prohibiting the sale offering for sale exposing for sale or having in possession with intent to sell of eggs unfit for food as therein defined and prohibiting the use of such eggs in the preparation of food products providing penalties for the violation thereof and providing for the enforcement thereof" by providing for the licensing by the Department of Agriculture of persons copartnerships associations and corporations engaged in the business of breaking eggs and separating the contents thereof for any purpose regulating the opening of eggs unfit for food and providing for the denaturing of such eggs authorizing the Department of Agriculture to take samples of eggs for the purpose of analysis further regulating the right to sell or otherwise deal with eggs subjected to incubation providing that certain violations of the act shall be punishable in summary proceedings prescribing penalties and repealing certain legislation.

Referred to the Committee on Agriculture.

SENATE BILL No. 484. (HOUSE BILL No. 1843).

An Act defining the rate of interest and fixing the rate and the time from which interest shall begin to run on any award for damages for the taking of property in the construction or improvement of highways.

Referred to the Committee on Highways.

SENATE BILL No. 594. (HOUSE BILL No. 1844).

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2051), entitled "An act relating to public assistance; providing for and regulating assistance to certain classes of persons designated and defined as dependent children,

aged persons, blind persons and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States Government for assistance to such persons; providing for the liquidation of the State Emergency Relief Boards, Boards of Trustees of the Mothers' Assistance Fund, and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age assistance, and the State Emergency Relief board," as amended, by redefining assistance to include work relief, and authorizing the Department of Public Assistance, with the approval of the Governor, to administer work relief projects.

Referred to the Committee on Welfare.

SENATE BILL No. 1015. (HOUSE BILL No. 1845).

An Act authorizing and directing the county treasurers of the several counties in the Commonwealth of Pennsylvania to provide and maintain an index or indexed record of the several sales of property in their several counties for delinquent taxes, and providing that the reasonable cost thereof shall be borne by the several counties.

Referred to the Committee on Counties.

SENATE BILL No. 1021. (HOUSE BILL No. 1846).

An Act relating to soil conservation and soil erosion, and regulating land use practices contributing to soil wastage and soil erosion; providing for the organization of soil conservation districts, as governmental subdivisions; prescribing the officers and employees thereof, and defining their powers and duties; creating the State Soil Conservation Board in the Department of Agriculture and imposing powers and prescribing duties thereon relative to the enforcement of this act; imposing powers and duties upon all state agencies and state institutions of learning relative to the effecting of this act; authorizing county commissioners to make appropriations for the use of soil conservation districts within their counties; providing for the making of appropriations by the General Assembly; and repealing existing laws.

Referred to the Committee on Agriculture.

SENATE BILL No. 1094. (HOUSE BILL No. 1847).

A Joint Resolution proposing an amendment to section thirteen Article three of the Constitution of the Commonwealth of Pennsylvania.

Referred to the Committee on Constitutional Amendments.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), that House Bill No. 1022, Printer's No. 640, entitled "An act to amend section thirteen and to further amend section eighteen of the act approved the eleventh day of May, one thousand nine hundred and twenty-one (P. L. 522), entitled as amended "An act relating to dogs, and the protection of live stock, poultry, and game birds raised in captivity from damage by dogs; providing for the licensing of dogs by the Secretary of Agriculture; providing for the enumeration of dogs by assessors; regulating the keeping of dogs, and authorizing their destruction in certain cases; providing for the protection of licensed dogs, and for dogs temporarily imported for trial, show, and

breeding purposes; prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners; providing for the assessment of damages done to live stock, poultry, and game birds by dogs, and for live stock killed by, or dying from rabies, and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth; imposing powers and duties on certain State, county, city, borough, town, and township officers and employees directing the payment of all moneys collected into the State Treasury; and providing penalties," permitting certain dogs to be brought into the Commonwealth for hunting purposes by holders of non-resident hunting licenses, without securing a Pennsylvania dog license where the home states of such non-residents afford a similar exemption to residents of Pennsylvania"

be recalled from the Governor for the purpose of amendment.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 10, 1941.

Resolved (if the Senate concur), that House Bill No. 949, Printer's No. 717, entitled "An act to further amend section nine of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 363) entitled 'An act relating to the organization jurisdiction and procedure of the orphans' courts the powers and duties of the judges thereof and appeals therefrom' by imposing liability on executors administrators or trustees for real estate brokers commissions in certain cases"

be recalled from the Governor for the purpose of amendment.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 238.

An Act requiring cities of the second class A, having fire departments, to allow members of said fire departments twenty-four consecutive hours of rest each week, and fourteen days vacation with pay each year, except in emergency cases.

HOUSE BILL No. 383.

An Act to further amend section one thousand five hundred three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing that school districts of the fourth class may employ at their own expense a medical inspector.

HOUSE BILL No. 392.

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

HOUSE BILL No. 752.

An Act authorizing cities of the second class A with the

consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals within such cities.

HOUSE BILL No. 1072.

An Act to amend section five hundred and nineteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for the payment of the costs of viewers by the Commonwealth in certain cases.

HOUSE BILL No. 1413.

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such highway to substantially the same condition as it was prior to its use as a detour.

HOUSE BILL No. 1257.

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

HOUSE BILL No. 1346.

An Act designating certain days of each year as Arbor Days and Bird Days; one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday, Sunday or Good Friday; providing that the week of the ninth of April be proclaimed as Conservation Week; and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers.

HOUSE BILL No. 830.

An Act to further amend the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34, P. L. 15), entitled, as last amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," changing the provisions of said act with respect to natural wines, as herein defined.

HOUSE BILL No. 831.

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252), entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages; as herein defined; providing for the licensing of the manufacture,, transportation, sale

and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing thereof of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts," including natural wines, as herein defined, within the provisions of said act; providing special licenses for the sale thereof, and authorizing retail dispensers to sell natural wines without further license.

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. NORMAN WOOD for himself for the remainder of the week after today's session.

Mr. HUNTLEY for himself for the remainder of the week after 2 p. m. today.

Mr. FOOR for himself for the remainder of the week after today's session.

Mr. RANK for himself for the remainder of the week after today's session.

Mr. Voldow for Mr. ROSENFELD for the remainder of the week.

Mr. CULLEN for himself for the remainder of the week after today's session.

Mr. FLYNN for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. LESKO, from the Committee on State Government, reported as committed, House Bill No. 1771, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said Department, the issuance of certified copies thereof, and fixing fees and penalties.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1643, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth, and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the

Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which said moneys shall be credited, and making an appropriation.

Mr. PROSEN, from the Committee on State Government, reported as committed, House Bill No. 1719, entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and of certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

Mr. EDWIN F. THOMPSON, from the Committee on Highways, reported as committed, House Bill No. 1835, entitled:

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America; providing for its appointment; prescribing its powers and duties; and authorizing the use by the committee of the employees, equipment, supplies and facilities of certain State agencies.

Mr. BRADLEY, from the Committee on Building and Loan Associations, reported as committed, House Bill No. 1397, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employees; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts, recorders of deeds, and certain State Departments, commissions, and officers; establishing limita-

tions of actions; imposing penalties; and repealing certain acts and parts of acts" as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

Mr. FINNERTY, from the Committee on Appropriations, reported as committed, House Bill No. 1797, entitled:

An Act making an appropriation to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance, operation and conduct of all State hospitals.

Mr. McDERMOTT, from the Committee on Public Utilities, reported as committed, House Bill No. 1013, entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties; fixing the scope of its authority and powers, and making an appropriation for the payment of the salaries and expenses connected therewith," prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

Mr. MARKS, from the Committee on Elections, reported as committed, House Bill No. 1466, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections; county commissioners; imposing penalties for violation of the act, and codifying, revising, and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

Mr. MARKS, from the Committee on Elections, reported as committed, House Bill No. 1467, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of directors; and imposing penalties," as amended, by adding and providing for the registration of persons in military service to entitle them to vote at any election.

Mr. MARKS, from the Committee on Elections, reported as committed, House Bill No. 1468, entitled:

An Act to amend the act, approved the twenty-fifth day

of May, one thousand nine hundred thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Mr. MARKS, from the Committee on Elections, reported as committed, House Bill No. 1469, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849), entitled "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

Mr. BAKER, from the Committee on Appropriations, reported as committed, House Bill No. 1838, entitled:

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway; and conferring certain powers upon the Department of Highways.

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1765, entitled:

An Act repealing and abandoning as a State highway, State highway Routes 03123 and 03133 in Armstrong County; and providing for the reversion thereof to the townships.

Mr. MUIR, from the Committee on Highways, reported as committed, House Bill No. 1237, entitled:

An Act to amend Route 64248 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

Mr. MUIR, from the Committee on Highways, reported as committed, House Bill No. 1051, entitled:

A Supplement to the act approved the twenty-second

day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Jeannette.

Mr. NORMAN WOOD, from the Committee on Appropriations, reported as committed, House Bill No. 1827, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

Mr. TROUT, from the Committee on Highways, reported as committed House Bill No. 1826, entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions, and limitations of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

Mr. WATKINS, from the Committee on Highways, reported as committed House Bill No. 1483, entitled:

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine (3 Sm. Laws, page 338), entitled "An act to declare Franklin creek, a public highway."

Mr. READINGER, from the Committee on Appropriations, reported as committed House Bill No. 1832, entitled:

An Act making an emergency appropriation to the De-

partment of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania.

Mr. COOK, from the Committee on Highways, reported as committed, House Bill No. 1777, (Senate Bill No. 174), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purposes of this act," by establishing additional routes in the City of Erie.

Mr. CULLEN, from the Committee on State Government, reported as committed, House Bill No. 1791, (Senate Bill No. 724), entitled:

An Act to amend section four hundred one of the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

Mr. WOODSIDE, from the Committee on Appropriations, reported as committed, House Bill No. 1721, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation therefor.

Mr. MARKS, from the Committee on Elections, reported as amended, House Bill No. 1465, entitled:

An Act to amend the act, approved the twenty-ninth day of April, one thousand nine hundred thirty-seven (P. L. 487), entitled "An act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service before they shall be entitled to vote at any election.

Mr. MARKS, from the Committee on Public Utilities, reported as amended, House Bill No. 1727, entitled:

An Act providing that proceedings, acts and bonds issued, by Authorities incorporated under the Municipality Authorities Act, as amended and supplemented, shall not be invalid by reason of certain circumstances.

Mr. MARKS, from the Committee on Public Utilities, reported as amended, House Bill No. 1728, entitled:

An Act relating to the compatibility of officer of members of the Boards and officers of the Authorities incorporated under the Municipality Authorities Act, as amended and supplemented.

Mr. O'BRIEN, from the Committee on Appropriations, reported as amended, House Bill No. 753, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Department of Welfare to acquire certain land adjacent to, and for the use of the Scranton State Hospital; providing for the improvement and use thereof; and making an appropriation.

Mr. POWERS, from the Committee on Constitutional Amendments, reported as amended, House Bill No. 1805 (Senate Bill No. 697), entitled:

A Joint Resolution proposing an amendment to section one, article nine, of the Constitution of the Commonwealth of Pennsylvania.

Mr. MALLOY, from the Committee on State Government, reported as amended, House Bill No. 871 (Senate Bill No. 9), entitled:

An Act concerning the permanent recordation of certain births, birth certificates, the issuance of copies of such certificates, and prescribing the procedure therefor; enlarging the powers and duties of the Department of Health and the Bureau of Vital Statistics.

Mr. FISS, from the Committee on Highways, reported as amended, House Bill No. 1573 (Senate Bill No. 30), entitled:

An Act providing for the establishment, construction, operation and maintenance of a mountain ridge road or parkway in the Pocono Mountains through, bordering or accessible to the counties of Monroe, Northampton, Carbon, Luzerne, Lackawanna, Wayne and Pike to be known as

the "Rim Parkway," providing for the creation of the Pennsylvania Parkway Commission, and conferring powers and imposing duties on said commission; authorizing the issuance of parkway revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such parkway, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the parkway; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such parkway shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and other agencies of the Commonwealth to cooperate with the commission; conferring powers and imposing duties on the Department of Highways; authorizing the issuance of parkway revenue refunding bonds and making an appropriation.

Mr. THOMAS H. LEE, from the Committee on Public Utilities, reported as amended, House Bill No. 1828, (Senate Bill No. 787), entitled:

An Act to further amend the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act; conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act, and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," by exempting certain transportation from the terms "common carrier by motor vehicle" and "contract carrier by motor vehicles;" further regulating the right to render service

as a contract carrier by motor vehicle; prohibiting the imposition of costs upon the commission in certain appeals to the Superior Court; subjecting persons and corporations to certain civil penalties for violating the act; prohibiting motor carriers, common carriers by airplane and any operator or employe of such carriers, and brokers from exceeding the authority of the certificate of public convenience granted such carriers and brokers; and changing the penalty with respect thereto; and eliminating the requirement that certain attempts to evade or defeat regulation for carriers or brokers must be fraudulent in order to be punishable

Mr. SHAFFER, from the Committee on Elections, reported as amended, House Bill No. 1603, (Senate Bill No. 169), entitled:

An Act to amend the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-seven (P. L. 814), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," abolishing the existing registration commission for cities of the second class and providing that the county commissioners of each county in which any such city is located shall act as a registration commission therefor, providing for the consolidation of the second class city general register with the general register of cities of the third class and boroughs, towns and townships of the county, providing for the transfer of the registration of electors upon change of residence from a third class city, borough, town or township in the same county, changing the period during which changes of enrollment of political party may be made, eliminating preparation and distribution of street lists, and permitting the destruction of certain records.

Mr. LOVETT from the Committee on Rules reported as committed Senate Concurrent Resolution Serial No. 124.

Mr. HARKINS, from the Committee on Education, reported as committed, House Bill No. 1704, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

Mr. STOCKHAM, from the Committee on Public Utilities, reported as committed, House Bill No. 1837, entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulat-

ing the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act, conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle;" and giving the Public Utility Commission the right to inspect and access to facilities and records of all persons and corporations subject to said act.

Mr. McCLANAGHAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1585, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

Mr. D'ORTONA, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1770, entitled:

An Act to amend the title and to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 4933), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses in cities of the second class, second class A, and third class.

Mr. MAXWELL, from the Committee on Public Health

and Sanitation, reported as committed, House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness; declaring a policy in reference thereto; conferring powers and imposing duties on the Department of Health; and prescribing qualifications for persons administering such work.

Mr. MARSHALL M. COHEN, from the Committee on Judiciary General, reported as committed, House Bill No. 1697 (Senate Bill No. 122) entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereon, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale

Mr. PAUL A. BRUNNER, from the Committee on Highways, reported as committed, House Resolution No. 99.

Mr. McDERMOTT, from the Committee on Liquor Control, re-reported as amended, House Bill No. 259, entitled:

An Act to further amend sections four hundred eleven, of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34) entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State Government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices

in, connection with, and transactions in such beverages by licensees and others; providing for the forfeiture of certain property; making disposition of the receipts from State stores and of fees; and imposing penalties," by further fixing the hours during which liquor, malt or brewed beverages may be sold;

Mr. YOUNG, from the Committee on Elections, re-reported as amended, House Bill No. 636, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred thirty-seven (P. L. 115), entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments, and bureaus, police officers, courts judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods, and boards of school directors; and imposing penalties," as amended, redefining the powers and duties of the registration commission and its employees; revising the provisions regulating the filing of removal notices and the cancellation of registrations; changing the provisions and times for registration, change of party enrollment and the cancellation of registrations; imposing duties on certain city officers; revising the procedure on appeals to the courts; providing for the manner of reckoning time; and imposing additional penalties.

Mr. HOLLAND, from the Committee on Appropriations, re-reported as amended, House Bill No. 777, entitled:

An Act to amend section two thousand five hundred five A of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the board of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," further regulating and fixing of maximum and minimum salaries by the Department of Public Assistance and the employment Board, and providing for increases of salaries in certain cases.

Mr. FINESTONE, from the Committee on Public Utilities, re-reported as amended, House Bill No. 1322, entitled:

An Act to further amend the act approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled as amended "An act providing for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities, counties, and townships; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such

Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by changing the method by which notice of the formation of a municipal authority shall be made public; further regulating incorporation purposes and existence of the authority; defining procedure whereby an authority can enter into contracts and dispose of its bonds; imposing additional qualifications and duties on members of the authority; imposing civil liability on members of the board and officers of an authority in certain cases; requiring annual audits; imposing additional duties on the court of common pleas; giving authorities right of eminent domain in certain cases; and extending with certain limitations the power of Authorities to make certain purchases.

Mr. BENTZEL, from the Committee on Highways, re-reported as committed, House Bill No. 486, entitled:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth, and afford transportation for defense purposes by providing for the construction, operation, and maintenance of a turnpike, from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey; and conferring powers, and imposing duties on the Pennsylvania Turnpike Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing, that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls for the payment of such bonds, and for the cost of maintenance, operation, and repair of the turnpike, making such turnpike bonds exempt from taxation, constituting such bonds legal investments in certain instances, requiring suits against the commission to be brought in Dauphin County, prescribing conditions upon which such turnpike shall become free; providing for grade separations, grade changes and relocation, and restoration of public roads and state highways affected by the turnpike; providing for condemnation, granting certain powers and authority to municipal subdivisions, and agencies of the Commonwealth to cooperate with the commission; and authorizing the issuance of turnpike revenue refunding bonds.

Mr. BONEY, from the Committee on Appropriations, re-reported as committed, House Bill No. 667, entitled:

An Act creating an independent board to be known as The Regulatory Board of Review; conferring powers and duties on said Board, describing procedure on appeals to said Board and to the courts of common pleas; and making an appropriation.

Mr. McKINNEY, from the Committee on Appropriations, re-reported as committed, House Bill No. 1722, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor and the Board of Trustees of Warren State Hospital, to acquire a certain tract of land for the use of said hospital, and making an appropriation therefor.

Mr. McKINNEY, from the Committee on Judiciary General, re-reported as committed, House Bill No. 1611, entitled:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth; and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners.

Mr. MALLOY, from the Committee on Appropriations, re-reported as amended, House Bill No. 1530, entitled:

An Act authorizing and directing the Department of Highways to erect and construct a bridge over the Lackawanna River between a point in or near the borough of Blakely, Lackawanna County, and a point in or near the borough of Olyphant in Lackawanna County to provide the necessary approaches thereto; and making an appropriation.

REPORT ON SEWING PROJECTS

Mr. SHAW. Mr. Speaker, I desire to read into the record a letter just received by the House Committee appointed in January to investigate the sewing projects. This letter is from a project located in the city of Philadelphia. It reads as follows

"Mr. Shaw, and members of the Investigating Committee, Harrisburg, Pennsylvania.

"Gentlemen:

"We workers employed on the above project deeply appreciate what you and your committee have done for us. We are enjoying the privilege of working for our livelihood. It would be a great pleasure to have your committee visit our project before the Legislature adjourns so we may thank you in person for the support you have given us. Thank you again for your interest that you have taken in us."

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

Mr. FALKENSTEIN asked and obtained permission for the Committee on Public Utilities to meet during the session of the House.

MR. WALTER E. ROSE IN THE CHAIR

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1101, entitled:

An Act to amend sections one thousand five hundred and one, and one thousand five hundred and eight of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating, and changing the law relating thereto," further regulating sewer connections and sewer district assessments in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1710, entitled:

An Act creating a Board of Inspection in the Department of Public Works in cities of the first class; imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city; prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city; and repealing inconsistent legislation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1738, entitled:

An Act to amend Route 22045 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1739, entitled:

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1370, entitled:

An Act to amend section eighteen of article nineteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," further regulating the removal, discharge or reduction in pay or position of officers, clerks and employes in the classified civil service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1802, entitled:

An Act providing for, and requiring in certain cases, preference in appointments to public position for honorably discharged persons, who served in the military or naval service during any War in which the United States was engaged.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1231, entitled:

An Act to promote the general welfare and to protect the health, safety, morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health, safety, morals and standard of

living of workers, to establish minimum wage and maximum hour standards; to prescribe the powers and duties of the Department of Labor and Industry under this act, and for other purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Cambria, Mr. Rose, for presiding.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 238.

An Act requiring cities of the second class A having fire departments to allow members of said fire departments twenty-four consecutive hours of rest each week and fourteen days vacation with pay each year except in emergency cases

HOUSE BILL No. 383.

An Act to further amend section one thousand five hundred three of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," providing that school districts of the fourth class shall employ at their own expense a medical inspector.

HOUSE BILL No. 392.

An Act authorizing county treasurers to execute and perfect deeds for seated lands sold for taxes by their predecessors in office.

HOUSE BILL No. 752.

An Act authorizing cities of the second class A, with the consent of the owners thereof to improve and beautify property adjoining or adjacent to State-owned hospitals, within such cities.

HOUSE BILL No. 830.

An Act to further amend the act approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (1933-34 P. L. 15) entitled as last amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bringing of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others providing for the forfeiture of certain property making disposition of the receipts from State stores and of fees and imposing penalties" changing the provisions of said act with respect to natural wines as herein defined

HOUSE BILL No. 831.

An Act to re-enact and further amend the title and the act approved the third day of May, one thousand nine hundred and thirty-three (P. L. 252) entitled as last amended "An act to regulate and restrain the traffic in malt and brewed beverages as herein defined providing for the licensing of the manufacture transportation sale and distribution of such beverages imposing license and permit fees and providing for collection and distribution thereof restricting ownership and interest in licensed places permitting municipalities and townships by vote of the electors to prevent the licensing therein of places where such beverages may be sold for consumption on the premises and regulating elections for this purpose imposing duties upon the Pennsylvania Liquor Control Board quarter sessions courts district attorneys the Department of Justice proper authorities of political subdivisions of the State and election officers providing penalties and repealing existing acts" including natural wines as herein defined within the provisions of said act providing special licenses for the sale thereof and authorizing retail dispensers to sell natural wines without further license.

HOUSE BILL No. 1072.

An Act to amend section five hundred and nineteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for the payment of the costs of viewers by the Commonwealth in certain cases.

HOUSE BILL No. 1257.

An Act to add section three and one-tenth to the act, approved the fifteenth day of May, one thousand nine hundred and thirty-nine (P. L. 134), entitled "An act relating to fireworks; defining fireworks; prohibiting the sale, offering or exposing for sale and use of fireworks, except in certain cases; authorizing cities, boroughs, towns and townships to issue permits for fireworks displays, and to regulate the same; imposing duties on the Pennsylvania Motor Police, sheriffs, police officers and constables; and providing penalties," providing for an extension of time on permits for such displays when not made on the day designated in the permit.

HOUSE BILL No. 1346.

An Act designating certain days of each year as Arbor Days and Bird Days one of which days shall be the ninth day of April except when the ninth day of April falls on Saturday Sunday or Good Friday providing that the week of the ninth of April be proclaimed as Conservation Week and directing suitable observance of Arbor Days and Bird Days in public schools under the direction of superintendents and teachers

HOUSE BILL No. 1413.

An Act requiring the Department of Highways of the Commonwealth of Pennsylvania, after the use of any highway as a detour has been discontinued, to restore promptly such such highway to substantially the same condition as it was prior to its use as a detour.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWN asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

CONDOLENCE RESOLUTION

Messrs. McDERMOTT, RAUSCH and LICHTENWALTER offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 11, 1941.

The members of this House who served at any time during the period from 1915 to 1923, or during the legislative session of 1935, will not fail to remember the gentleman from the Second District of Lehigh County, the Honorable Albert E. Rinn, father of grade crossing and Sunday trucking legislation, whose poise and eloquence in support of the measures which he so valiently championed have inspired many an otherwise tedious legislative session.

Our esteemed ex-member was born at Easton on June 6th, 1864, and has devoted twenty-two of his seventy-seven years to the service of his community and State. At the present time he is serving as the "venerable squire" of Upper Saucon Township in his county of Lehigh where he conducts one of the busiest justice of the peace offices in the county; therefore, be it

Resolved, That the House of Representatives hereby congratulates its one time member on the occasion of his recent birthday, and for his splendid record of service and achievements. We wish him many years of continued health and happiness, in which to further serve, accomplish and enjoy life, and be it further

Resolved, That a certified copy of this resolution be forwarded by the Chief Clerk to the Honorable Albert E. Rinn at his home on Rural Route No. 3 out of Bethlehem.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 14, 1941.

Whereas, The Commonwealth of Pennsylvania recognizing the duty of the Commonwealth to provide for its unfortunate blind citizens has provided for the payment to them of a pension; and

Whereas, The Federal Government contributes toward the care of blind persons but insists that moneys apportioned to any state for such purpose must and can only be contributed on a basis of the actual need of the blind; and

Whereas, This Commonwealth receives no part of Federal funds apportioned for blind persons because its system of assistance for the blind is on a liberal pension basis instead of the basis of actual need as required by the Federal Social Security Act; therefore be it

Resolved (if the House concur), That the Congress of the United States is hereby memorialized to amend the Social Security Law of the Federal Government by providing for the contribution of Federal funds for assistance to blind persons to states which provide for such assistance either on a basis of actual need or on a pension basis; and be it further

Resolved, That a copy hereof be transmitted to the President and Vice President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives in the Congress of the United States from this Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEES
TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Public Health and Sanitation to meet during the session of the House.

Mr. O'BRIEN asked and obtained permission for the Committee on Liquor Control to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL No. 376

Mr. KNOBLE. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 376, Printer's No. 913.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 376, entitled:

"An act to amend section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws 872) entitled 'An act to consolidate, amend and revise the penal laws of the Commonwealth, by prohibiting the sale, exposing for sale, and offering for sale of certain lubricants in a manner to deceive the purchaser.'"

Respectfully submit the following bill as our report:

J. W. Carr
Thomas B. Wilson
(Committee on the part
of the Senate.)

James J. McLane
Mathew T. Knoble
(Committee on the part
of the House of Representatives.)

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (Pamphlet Laws 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 865 Fraudulent Dealings in Liquid Fuels and Oils (a) Whoever stores sell; exposes for sale or offers for sale any liquid fuels lubricating oils lubricants mixtures of lubricants adulterated oils reclaimed oils or falsely labeled oils or other similar products in any manner so as to deceive or tend to deceive the purchaser as to the nature origin quality [and] grade or identity of the product so sold or offered for sale or whoever stores sells exposes for sale or offers for sale in any manner so as to deceive or tend to deceive the purchaser any lubricating oil lubricants mixtures of lubricants adulterated oils or falsely labeled oils which had been once used for lubrication purposes and subsequently reclaimed re-refined or reconditioned without clearly indicating or setting forth such fact on the container pump or distributing device used shall be subject to the penalties provided in clause (f) of this section

(b) Whoever stores keeps exposes for sale offers for sale or sells from any tank or container or from any pump

or other distributing device or equipment any other liquid fuels lubricating oils or other similar products than those indicated by the name trade name symbol sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank container pump or other distributing equipment from which the same are sold offered for sale or distributed shall be subject to the penalties provided by clause (f) of this section

(c) Whoever disguises or camouflages his own equipment by imitating the design symbol trade name of the equipment under which recognized brands of liquid fuels lubricating oils and similar products are generally marketed shall be subject to the penalties provided by clause (f) of this section

(d) Whoever exposes for sale offers for sale or sells under any name in general use any liquid fuels lubricating oils or other like products except those manufactured or distributed by the manufacturer or distributor marketing liquid fuels lubricating oils or other like products under such trade name or substitutes mixes or adulterates the liquid fuels lubricating oils or other similar products sold offered for sale or distributed under such trade name shall be subject to the penalties provided by clause (f) of this section

(e) Whoever aids or assists any other person in the violation of the provisions of this section by depositing or delivering into any tank receptacle or other container any other liquid fuels lubricating oils or like products than those intended to be stored therein and distributed therefrom as indicated by the name of the manufacturer or distributor or the trade name of the product displayed on the container itself or on the pump or other distributing device used in connection therewith shall be subject to the penalties provided by clause (f) of this section

(f) Whoever violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars (\$500) for the first offense and or not more than two thousand dollars (\$2,000) for each subsequent offense or in the case of the second or subsequent conviction shall undergo imprisonment of not more than one (1) year or both."

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Eaker,	Gates,	Maxwell,	Sarge,
Faltzner,	Gerard,	McClanaghan,	Saraf,
Daughter,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Roles,	Greenwood,	McFall,	Shaffer,
Doney,	Gross,	McGrath,	Shaw,
Dower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyshaw,	McLanahan,	Skale,
Bretherick,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Melchiorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Dorris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Mulr,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
	Jefferson,	Owens,	Voorhees,

Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolan,	Keenehan,	Polen,	Wells,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Enoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Wilkinson,
Eckels,	Komorowski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winnor,
Elliot,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finerty,	Levy,	Reynolds,	Wright,
Fiss,	Loydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
Flynn,	Lovett,	Rose, S.,	Kilroy,
Foor,	Lyons,	Rose, W. E.,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON
HOUSE BILL No. 316

Mr. JAMES. Mr. Speaker, I desire to call up the report of the Committee of Conference on House Bill No. 316, Printer's No. 914.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives.

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 316, entitled:

"An act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority."

Respectfully submit the following bill as our report:

Thomas B. Wilson

Paul M. Crider

H. Jerome Jaspan

(Committee on the Part of the Senate.)

J. Harold Levy

James E. Lovett

Benjamin F. James

(Committee on the Part of the House of Representatives.)

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public and requiring certification of their authority

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 All officers on active duty with the armed forces of the United States holding the rank of at least major or lieutenant commander members of any general or special court martial all summary court officers and judge advocates are hereby authorized and empowered to act as notaries public with the same rights and powers as though duly commissioned and qualified as such according to law including among others the right to take within or without this Commonwealth the acknowledgment of any deed or other instrument in writing. Provided That the acknowledgment be accompanied by the certificate of the commanding officer or adjutant of the unit to which such officer is assigned and if unassigned the commanding officer or adjutant of the area or district to whom such officer reports for duty certifying the officer taking the acknowledgment held such rank or was detailed to such duty at the time of taking said acknowledgment and containing reference to this Act.

Section 2 The following parts of acts are hereby repealed

Sections one and two of the act approved the twenty-second day of April, one thousand eight hundred sixty-three (P. L. 572) entitled "An act to authorize certain military officers to take affidavits testimony and acknowledgments of the execution of deeds and other instruments of writing of persons in the military service of this state or the United States"

Section one of the act approved the fourteenth day of March one thousand nine hundred nineteen (P. L. 422) entitled "An act conferring upon judge advocates of the United States Army the powers of notaries public declaring the effect thereof validating notarial acts heretofore performed by judge advocates and declaring the effect thereof"

Section one of the act approved the seventh day of June one thousand nine hundred nineteen (P. L. 422) entitled "An act authorizing certain officers of the United States Army to take acknowledgments of deeds and other instruments in writing validating certain acknowledgments and repealing the act approved the first day of May one thousand nine hundred and nineteen"

All other acts and parts of acts inconsistent herewith are hereby repealed

Section 3 The provisions of this act shall become effective immediately upon final enactment.

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	French,	Malloy,	Royer,
Auker,	Gallagher,	Marks,	Rush,
Baker,	Gates,	Maxwell,	Sarge,
Balthaser,	Gerard,	McClanaghan,	Sarraf,
Baughner,	Gillan,	McClester,	Scanlon,
Bentley,	Gillette,	McDermott,	Schwab,
Bentzel,	Goodwin,	McDowell,	Serrill,
Boles,	Greenwood,	McFall,	Shaffer,
Boney,	Gross,	McGrath,	Shaw,
Bower,	Gryskewicz,	McIntosh,	Shepard,
Bradley,	Gyger,	McKinney,	Simons,
Breth,	Habbyshaw,	McLanahan,	Skale,
Bretherick,	Haberlen,	McLane,	Snyder,
Brown,	Haines,	McMillen,	Sollenberger,
Brunner, C. H.,	Hall,	McSurdy,	Sorg,
Brunner, P. A.,	Hamilton,	Meichlorre,	Stambaugh,
Burns,	Hare,	Mihm,	Stank,
Burris,	Harkins,	Modell,	Stine,
Cadwalader,	Harmuth,	Monks,	Stockham,
Chervenak,	Harris,	Mooney,	Tarr,
Chudoff,	Heatherington,	Moran,	Tate,
Cochran,	Helm,	Moul,	Taylor,
Cohen, M. M.,	Hering,	Muir,	Thompson, E. F.,
Cohen, R. E.,	Herman,	Munley,	Thompson, R. L.,
Cook,	Hersch,	Nagel,	Trout,
Cooper,	Hewitt,	Nunemacher,	Turner,
Cordier,	Hirsch,	O'Brien,	Van Allsburg,
Corrigan,	Holland,	O'Connor,	Verona,
Croop,	Huntley,	O'Dare,	Vincent,
Cullen,	Imbrie,	O'Mullen,	Vogt,
Dalrymple,	James,	O'Neill,	Voldow,
Dennison,	Jefferson,	Owens,	Voorhees,
DiGenova,	Jones, G. E.,	Petrosky,	Wagner,
Dix,	Jones, P. N.,	Pettit,	Watkins,
Doion,	Keenan,	Polaski,	Weingartner,
D'Otona,	Fenehan,	Polen,	Weiss,
Duffy,	Kline,	Powers,	Welsh, E. B.,
Early,	Knoble,	Prosen,	Welsh, M. J.,
Eckels,	Kobankiewicz,	Rank,	Wilkinson,
Elder,	Komorowski,	Rausch,	Williams,
Elliot,	Krise,	Readinger,	Winner,
Ely,	Lee, T. H.,	Reagan,	Wood, L. H.,
Falkenstein,	Lelsey,	Reese, D. P.,	Wood, N.,
Finestone,	Leonard,	Reese, R. E.,	Woodring,
Finnerty,	Lesko,	Regan,	Woodside,
Fiss,	Levy,	Reynolds,	Wright,
Fleming,	Leydic,	Rhee,	Yeakel,
Fletcher,	Lichtenwalter,	Riley,	Yester,
Flynn,	Longo,	Rooney,	Young,
Foor,	Lovett,	Rose, S.,	Killroy,
	Lyons,	Rose, W. E.,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 997, entitled:

An Act to amend subsection (e) of section three hundred and one of the act, approved the twenty-first day of June, one thousand nine hundred and thirty-nine (P. L. 566), entitled "An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; imposing duties on the Department of Labor and Industry, the Workmen's Compensation Board, Workmen's Compensation Referees, and deans of medical schools; creating a medical board to determine controverted medical issues; establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board; imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases; making an appropriation; and prescribing penalties," by allowing common law actions in certain cases.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 674, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by making certain changes in the name qualification powers and duties of the State Board of Examiners for the Registration of Nurses and providing for the election of a Director of Nursing Education who shall also be Secretary and Executive Officer of the Board and an Assistant Director of Nursing Education who shall also be Assistant Secretary and Assistant Executive Officer of the Board and other officers and employees thereof

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I understand that the Democratic members of this House are about to hold a caucus. I realize that this is a rather unusual and unique request, but I am practical; I have been around here long enough to know that when the majority Members of this House in caucus decide to do a thing it will be done, and if they desire not to do a thing it will not be done. So I am going to call upon them now to take into consideration a thing that has seemed to me to be of great importance to many people of Pennsylvania. I call your particular attention to the fact that this coming Friday is Friday the thirteenth, and that it in fact will be a "Friday the Thirteenth" to about eighteen thousand people in the Commonwealth of Pennsylvania because it will be a payless payday to about that many people in Pennsylvania.

Some time ago, near the end of the biennium, when it was evident that there would not be a complete program put through in time to meet the appropriations at this payday there was introduced in the Senate by the gentleman from Dauphin, Senator M. Harvey Taylor, a bill providing for the payment of employes during the month of June. This is not an unusual proceeding. Whenever the session has extended beyond the end of the biennium this procedure was followed. It was followed at times when the House and the Senate were of the same political faith; it was followed back in 1935 when this House was Democratic and the administration was Democratic and the Senate of Pennsylvania was Republican. It is a practice which as long as I know has always been followed.

As far as I can recall there has never been an occasion when the House and the Senate or either of them deliberately enforced upon the employes of this Commonwealth a situation wherein they would not be paid. This does not apply only to the few employes in the departments here on the hill; it applies practically to all the employes of the Commonwealth throughout the state. In fact there are 9,200 of them employed in the various institutions under the Department of Health and Department of Welfare throughout the state. Most of these employes, I would say at least seventy-five per cent of them receive \$2,000 or less. Probably fifty per cent of them receive \$1,400 or less. It now is practically impossible to pass the bill by the thirteenth, but if action is not taken in this House immediately upon this bill the payment will be delayed a considerable length of time. Many of these people need their money and need it badly. I am not concerned about the Governor or the judges or the heads of departments; they represent a very minor group and they can afford to live a few days or a few weeks without receiving their pay promptly without any great amount of inconvenience, but the clerks, the stenographers, the people on the Hill and throughout the Commonwealth, other than in this section, need the money; they are looking forward to their payday, they have commitments, their insurance is due, they have bills to pay, their rent is due, many of them need money to keep on living. Many of them have families; many of them are supporting large families on small incomes.

You people on the other side have on numerous occasions during this session indicated that you feel that many of them were not receiving proper wages, and you are

saying that they ought to receive more. I say to you in a spirit of fairness, to Republicans and Democrats both, isn't it right and fair and just that that bill, which has passed the Senate and which is now resting in the Appropriations Committee should be reported out so that these people will receive their pay? Goodness knows it is bad enough under any circumstances to use one bill to try to force another bill, but, Mr. Speaker, I feel in appealing to the fairness of the gentlemen on the other side that certainly we consider it a most reprehensible thing for any party to use a bill of this type to try to force any other sort of issue. This is the thing to meet the situation; it is a practice which has been followed and which is not new, and I appeal to you as gentlemen, to your fairness, to your sincerity, to your honesty of purpose, and ask you whether you in your caucus will not decide that that bill to pay these employes during the balance of this month, and as soon as possible—their pay that will be due on Friday—that you take action and report it, or see that it is reported out to the floor of the House.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, in reply to the words of the gentleman from Dauphin may I state that the condition in which the administration finds itself is due solely to the inactivity on the part of the Senate. There is legislation and has been legislation over there sufficiently long for the Senate to have acted, in which the problem on Friday the thirteenth of June or any other subsequent payday in this state, funds would be not only available, but the authority would be existing to utilize those funds to pay all the workers on the payrolls of Pennsylvania. Why the Senate has taken the time that they have is beyond me. Why they do not desire to approach the problem and solve it is beyond me. However, I firmly believe that I can clearly see what is in the mind of the Governor of Pennsylvania when in a newspaper conference he made the statement that he felt it perhaps would be advisable to hold the legislature in continuous session.

It becomes more and more apparent to me, Mr. Speaker, that the Governor of Pennsylvania has that particular thought in mind that he shall keep the legislature here in continuous session, and to that end he has sought to have legislation passed that would take care of our problems bi-monthly or monthly or perhaps daily.

Now, as you men know and as I know, that never was anticipated or thought of under the fabric of our constitution. It was always the thought that the Legislature would meet once every two years and there proceed to pass legislation that would take care of the problems of the state for the two year period. Apparently the Governor in spite of the Constitution of Pennsylvania proposes to this House and to the Senate that we are going to pass piece-meal legislation and remain in continuous session. He does not desire to face the problems, he does not apparently desire to sit down in conference to work out the problems. He intends to tell us from day to day what we shall do. That is what is endeavored to be done in this particular piece of legislation, and if he and his employes find themselves in this precarious position of which the minority floor leader spoke, may they turn to the Governor of Pennsylvania and may they turn to the Republican

Administration and point the finger of accusation and ask why they are unable to function as they say they are.

I am saying to the Governor and to the Republican administration that we have a problem here in Pennsylvania. The Democratic party wants to sit down and work it out; they are anxious and willing to sit down and work it out, and once the Senate moves, I am hopeful, Mr. Speaker, that they will consent to sit down and work out the problems. Until then undoubtedly the Governor of Pennsylvania will be asking us from day to day to pass piece-meal legislation to solve a problem that we should solve in its entirety and not in parcels.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I think it is absolutely unfair for the gentleman on the other side to stand up on the floor of this House and have the audacity to suggest that the delay is the result of the Senate's inactivity. Does the gentleman mean that the general appropriations bill that was held by his own committee for one hundred seventeen days and referred to the committee of the Senate on May twenty-eight should be enacted into law, gone over by the Governor and signed before the end of the biennium, or even before this date? If the gentleman does, he is suggesting a thing which has never happened in the history of the Commonwealth of Pennsylvania and which he knows would be the most impossible sort of situation. Not only that, here we have a bill referred to the Committee on Appropriations in the House on May 28th. It is the General Appropriations bill. In order to hurry it, it was that very day reported from committee; that very day read for the first time, and then sent back to the committee for consideration. You talk about taking it as it is. Why gentlemen, you had lying on your desk until yesterday your tax bills, your tax anticipation note bill. They were in the Senate as I pointed out yesterday for a period of three days. The least possible number of days for any bill to be in the Senate under our constitution. Yet the gentleman from Monroe, Mr. Achterman, has the audacity to stand up and tell you Democrats and us Republicans and expect the people of Pennsylvania to believe that the Senate is responsible for the situation which has been created.

I say, Mr. Speaker, let us get that picture. You all know that for 112 days you had the budget, you had the Governor's picture, and within less than a week before the end of the biennium you put out what you called an alternative budget, and the truth of the matter is, as was admitted on the floor of this House, certain items were omitted from that budget. Certain items which should have been in it were omitted from it. Estimates of revenue were increased, taxes reduced, surpluses ignored, deficiency appropriation bills which had been passed entirely ignored, and then you say, "Well the Senate ought to act on this." Act how? Take your suggestions? If they would there would be available for relief approximately \$90,000,000, which as you know and I know will not be enough to see us through to the next regular session of the Legislature.

Now, Mr. Speaker, the gentleman comes along and says, I imagine he means the Senate, is holding up the General Appropriation Bill, and that it could have been passed

and signed by the Governor in order that they get their pay on June 13. Yet, as it was argued out here before and as the gentleman well knows, and as the Constitution and the laws of this Commonwealth very properly provide, the Governor should have at least thirty days after the session to pass upon the bills, and the General Appropriation Bill should be one of the last that it should be necessary for him to pass upon.

Now, that is the situation. It is known to anybody that knows anything about the government of the Commonwealth of Pennsylvania. It is known by you men who have been around here, it is known by you men who have studied the problem, and yet they put out on May 28 the General Appropriation bill, and now refuse to make any appropriation so that the functions of the government may be carried on. Then you say that it is somebody else's fault. Gentlemen, I appeal to you in fairness to take the facts,—all you need to do is to take your histories and look up the dates, don't take my word, don't take the word of Leo Achterman, but look up the facts, look at the books and you will see what the story is; you will see that there is no responsibility on the part of the Senate for delaying this situation. You had it within your power to say whether the employes of the Commonwealth of Pennsylvania are going to receive their pay or not during the month of June. I suggest to you that you get that bill out in fairness to those employes.

Your heart bleeds for those employes, particularly when there is any bill up regulating the salary of any employes. Here is your chance without additional cost to the Commonwealth to show your sympathy for them. Just lay aside politics, forget any squeeze play that there might be in anybody's mind, and do what you know, what must be known down in the heart of every one of you is the right thing to do, the only honest thing, the only correct thing that you can do with that bill today, and that is to report out the Taylor Bill from the Committee on Appropriations.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, of course, the remarks the gentleman made are similar to those he has been making for some time on the floor of this House. My answer is the same, that it so happens as to the legislation we passed to the Senate was legislation that every Member of this House and every member of the Senate knew we intended to act upon; it was only a question of what amendments might be inserted in the particular bills. The study of revenues, the study of expenditures, all of the studies presumably were being made by the proper committees.

I am confident now that the Senate Committee on Finance did not make a study. They assumed apparently we would accept at face value the figures inserted by the Governor of this Commonwealth, although every Member of this House and I presume every Member of the Senate knew that the majority party had no intention of doing that very thing.

Now the gentleman says "Let us refer to the records to see whether the Senate is moving rapidly." Then he points with great pride to the fact that the tax measures were passed or else amended in the Senate, and they said "Here are the important measures." Certainly nothing ex-

traordinary, Mr. Speaker, in the fact that the Senate did act on those measures promptly. They knew they were in this House and they knew they were coming over in some form. They apparently had made some study of that subject and were able to act. Why couldn't they act on the other measures? They had the same knowledge on the other measures that they had on the tax measures. The very fact, Mr. Speaker, that they sent that bill back so promptly is indicative that the charge I am making against the Senate is a proper charge; they help substantiate that charge by the manner in which they acted.

Let us go a step further, let us take the tax anticipation notes. In that particular bill the amount of revenues to be collected by the State was inserted. Was the Senate unable to act on that? Oh no, they moved promptly on that. How and why? Did they make a study or did they report it out in the manner that the Governor wished them to do without a study?

In other words, Mr. Speaker, what I am pointing out to the Members of this House is this: that the Senate when it wishes has made its study; when it is not desirous of reporting, apparently it has not made a study.

They can not take such a position; they can not blow hot and cold at the same time; they either made a study or let the Governor make it for them. If they have let the Governor do it, then let them proceed to amend the bill and put the legislation in a position where we can go into a conference.

No, I say to you, Mr. Speaker, that is not the intention of the administration. The intention of the administration is to hold the Legislature in session until it has broken the power of the Legislature to the will of the Governor. I am saying that we are going to face this problem not piece-meal, Mr. Speaker, but in its entirety, and we are calling upon the Republican party to insist that their administration do that very thing, meet the entire problem and not offer piece-meal legislation.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, in my first remarks I intimated that I did not feel it was right to definitely state that I felt this particular bill was being used by the leaders on that side as a squeeze play on the Senate of Pennsylvania. The answer of the gentleman from Monroe, Mr. Achterman, has definitely proven to you men, to the Republicans on this side and to the Commonwealth of Pennsylvania that that is the purpose.

Now, I think, Mr. Speaker, that is reprehensible. I think it is reprehensible for a man to get up here on the floor of the House and state in the debate on this question what has been stated, because it indicates clearly and conclusively one thing, and that is that the only reason for holding this piece of legislation in this Committee is to use it as a squeeze play on the Senate. You are not going to pass upon this piece of legislation on its merits, and you admit that if you continue to hold it in committee.

You are using eighteen thousand employes, about twelve to fifteen thousand of whom are receiving two thousand dollars or less, many of them supporting families, and you are going to use them; you are going to say to them, "You are going to have payless paydays for days or weeks for sure, and maybe for months." Why? "In order that we

can use your pay as a lever to force the Senate of Pennsylvania to accept our program."

Gentlemen, that is not fair, that is not honest, that is not sincere. You are not passing upon this legislation, if you do this thing, on its merits. I have confidence that every one of you individually, dealing with the merits of this bill in your committee, would favor putting it out. I have confidence in your individual sincerity and honesty of purpose, I have confidence that you individually would all, and do all agree with me that this bill ought to be passed and passed promptly.

I cannot conceive that you as a group will continue in the thought that was expressed today and continue to use this bill as a lever to force your program, your impossible program may I say, down the throats of the Senate. If your program has merit, I think that merit ought to be sufficient to support it, but I do not think, Mr. Speaker and members of the House, that you ought to bring into this case these employes of the Commonwealth of Pennsylvania in an effort to force this thing on the Senate.

DEMOCRATIC CAUCUS

There will be a caucus of the Philadelphia Democratic Delegation on Saturday morning at 10:30 Daylight Saving Time in Democratic Headquarters, Philadelphia.

The Philadelphia "Democratic First Termers" will hold their regular dinner next week.

Invitations have been issued to several prominent officials of the Commonwealth. Time and place shall be announced later.

REPUBLICAN CAUCUS

Mr. WOODSIDE. Mr. Speaker, there will be a caucus of the Republican Members of the House in the old caucus room on the third floor immediately after the announcement of recess.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for one hour.

The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the house was called to order.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 610

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 610, Printer's No. 701, entitled "An Act to amend clause forty-seven of section two thousand four hundred three of the act approved the twenty-third day of June, one thousand nine

hundred thirty-one (P. L. 932) entitled 'An act relating to cities of the third class and amending revising and consolidating the law relating thereto' changing the qualifications of historical societies to receive appropriations and limiting the amount of such appropriations."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 764

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 764, Printer's No. 625, entitled "An Act to add section nine hundred thirty-eight to the act approved the third day of June, one thousand nine hundred thirty-seven (P. L. 1225), entitled 'An act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto' providing for the establishment regulation and use of special dog training areas."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 572

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 572, Printer's No. 884, entitled, "A Supplement to the act approved the twenty-seventh day of June, one thousand nine hundred thirty-nine (Appropriation Acts page sixty) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-nine and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-nine' providing for deficiencies in certain appropriations made by the act for the fiscal biennium ending May thirty-first one thousand nine hundred forty-one."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 374

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 374, Printer's No. 47, entitled, "An act to add clause (e) to section four of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 540) entitled 'An act defining the term "fiduciary" prescribing the nature and kind of investments which may be made by such fiduciaries validating certain investments heretofore made

by such fiduciaries and repealing acts and parts of acts inconsistent herewith' by permitting fiduciaries holding mortgages to accept deeds in lieu of foreclosures and prescribing the effect thereof."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 310

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 310, Printer's No. 587, entitled, "An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war or their dependents."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 104

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 104, Printer's No. 421, entitled, "An Act to further amend section seven of the act approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223 1933-34) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' extending the time during which application may be filed for veterans' compensation."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1240

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1240, Printer's No. 382, entitled, "An Act fixing the fee to be charged by the local authorities in cities of the first class for furnishing certified copies of the record of any birth death or marriage which had been registered in the office of such local authorities prior to the taking effect of the Act approved June seventh one thousand nine hundred fifteen (P. L. 900) and for searches of the files and records when no certified copy is made."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1255

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1255, Printer's No. 417, entitled, "An Act authorizing cities of the first class which have issued or may hereafter issue bonds to redeem the same and issue and sell new bonds therefor."

ARTHUR H. JAMES.

CONGRATULATORY RESOLUTION

Mr. RHEA offered a privileged resolution which was read, considered and adopted as follows

In the House of Representatives, June 11, 1941.

Whereas, the holy state of matrimony is an honorable institution; and

Whereas, by the payment on the barrel-head of a modest fee for a license, even members of the General Assembly of Pennsylvania are permitted to be joined in sacred wedlock; and

Whereas, the Honorable Charles E. Voorhees of Philadelphia County is to be married to Miss Dorothy Andrus on Saturday, June 14, 1941 in the City of New York now; therefore be it

Resolved, That this House extends its congratulations and felicitations to the said Charles E. Voorhees and wishes him a long and prosperous married life, and further that a copy of this resolution be forwarded to the happy couple immediately.

SENATE MESSAGES

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 316

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Senate Bill numbered and entitled as follows:

HOUSE BILL No. 316.

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 376

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Senate Bill numbered and entitled as follows:

HOUSE BILL No. 376.

An Act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for five minutes. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

REQUEST TO ADDRESS JOINT SESSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 11, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I should like to address the members in Joint Session this afternoon at four o'clock, Eastern Standard Time.

ARTHUR H. JAMES.

GOVERNOR INVITED TO ADDRESS JOINT SESSION

Mr. ACHTERMAN. Mr. Speaker, I move that His Excellency the Governor of the Commonwealth be invited to the Hall of the House to address the General Assembly at a time to be fixed by concurrent resolution.

The motion was agreed to.

SENATE MESSAGES

JOINT SESSION

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Resolved, (if the House of Representatives concur) That the Senate and the House of Representatives meet in joint session Wednesday, June 11, 1941, at 4:00 p. m. o'clock (Eastern Standard Time), in the Hall of the House of Representatives for the purpose of hearing an address of His Excellency, the Governor of the Commonwealth.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

Resolved (if the House of Representatives concur) That a committee of three on the part of the Senate be appointed to act with a similar committee on the part of the House of Representatives (if the House shall appoint such committee), to escort His Excellency, the Governor, to the Hall of the House to address the Members of the General

Assembly in Joint Session this day at four o'clock p. m. (Eastern Standard Time).

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a Committee on the part of the House to act with a similar committee on the part of the Senate to escort the Governor to the Hall of the House, Messrs. READINGER, SCANLON and ROYER.

RESOLUTION

COMMITTEE TO ESCORT SENATE TO HALL OF HOUSE

Mr. GERARD offered the following resolution which was read, considered and adopted:

Resolved, That the Speaker appoint a committee of two to escort the Members of the Senate to the Hall of the House this day at 4 o'clock, p. m., for the purpose of attending the Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee to escort the Senate to the Hall of the House, Messrs. GERARD and CHARLES H. BRUNNER.

QUESTION OF PERSONAL PRIVILEGE

Mr. COOPER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Allegheny will state his question of personal privilege.

Mr. COOPER. Mr. Speaker, on page 1546 of the Legislative Journal appears the following question which was asked of me by the gentleman from Lancaster, Mr. Marshall M. Cohen:

"Mr. Speaker, does the gentleman from Allegheny, Mr. Cooper, recall how he voted on House Bill 226?"

Mr. Speaker, at that point in the Journal appears the following:

"Mr. Cooper. Mr. Speaker, I most assuredly do. I voted in the affirmative".

Mr. Speaker, the remarks attributed to me in the Legislative Journal were not uttered by me, but were uttered by the gentleman from Allegheny, Mr. Goodwin, who thought at the time he was being interrogated.

I therefore ask that this correction be made in the Legislative Journal.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 253.

An Act providing for the appointment, powers and con-

trol of members of volunteer fire companies as special fire police; and conferring powers on them at fires attended by their fire companies in any city, borough, town and township.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, line 1, by inserting after the word "sworn" the words "and displaying a badge of authority".

Amend section 3, page 2, by inserting after the word "shall" at the end of line 22 the words "display a badge of authority and shall"; also same page, line 25, by inserting after the word "serving" the words "or if none of a member of the Pennsylvania Motor Police".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarrafi,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Skale,
Breth,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Haines,	McSurdy,	Sorg,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burriss,	Harkins,	Monks,	Stockham,
Cadwalader,	Harmuth,	Mooney,	Tarr,
Chervenak,	Harris,	Moran,	Tate,
Chudoff,	Heatherington,	Moul,	Taylor,
Cochran,	Helm,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen R. E.,	Herman,	Nagel,	Trout,
Cook,	Hersch,	Nunemacher,	Turner,
Cooper,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dalrymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolan,	Kenehan,	Polen,	Wells,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Wilkinson,
Eckels,	Komorowski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winnor,
Elliot,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Lelsey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
Flynn,	Lovett,	Rose, S.,	Kilroy,
For,	Lyons,	Rose, W. E.,	Speaker.
	Malloy,	Royer,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 398.

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 1, line 4, by striking out the word "shall" and inserting in lieu thereof the word "may"; also same page, line 5, by inserting after the word "authorities" the words "with the approval of the Governor"; also same page, line 8, by inserting after the word "city" the words "of the third class".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	French,	Marks,	Rush,
Auker,	Gallagher,	Maxwell,	Sarge,
Baker,	Gates,	McClanaghan,	Sarraf,
Balthaser,	Gerard,	McClester,	Scanlon,
Baughner,	Gillan,	McDermott,	Schwab,
Bentley,	Gillette,	McDowell,	Serrill,
Bentzel,	Goodwin,	McFall,	Shaffer,
Boles,	Greenwood,	McGrath,	Shaw,
Boney,	Gross,	McIntosh,	Shepard,
Bower,	Gryskewicz,	McKinney,	Simons,
Bradley,	Gyger,	McLanahan,	Skale,
Breth,	Habbyshaw,	McLane,	Snyder,
Bretherick,	Haberlen,	McMillen,	Sollenberger,
Brown,	Haines,	McSurdy,	Sorg,
Brunner, C. H.,	Hall,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Hamilton,	Mihm,	Stank,
Burns,	Hare,	Modell,	Stine,
Burris,	Harkins,	Monks,	Stockham,
Cadwalader,	Harmuth,	Moran,	Tarr,
Chervenak,	Harris,	Moul,	Tate,
Chudoff,	Heatherington,	Muir,	Taylor,
Cochran,	Helm,	Mooney,	Thompson, E. F.,
Cohen, M. M.,	Hering,	Munley,	Thompson, R. L.,
Cohen, R. E.,	Herman,	Nagel,	Trout,
Cook,	Hersch,	Nunemacher,	Turner,
Cooper,	Hewitt,	O'Brien,	Van Allsburg,
Cordier,	Hirsch,	O'Connor,	Verona,
Corrigan,	Holland,	O'Dare,	Vincent,
Croop,	Imbrie,	O'Mullen,	Vogt,
Cullen,	James,	O'Neill,	Voldow,
Dairymple,	Jefferson,	Owens,	Voorhees,
Dennison,	Jones, G. E.,	Petrosky,	Wagner,
DiGenova,	Jones, P. N.,	Pettit,	Watkins,
Dix,	Keenan,	Polaski,	Weingartner,
Dolon,	Kenehan,	Poien,	Wells,
D'Ortona,	Kline,	Powers,	Welsh, E. B.,
Duffy,	Knoble,	Prosen,	Welsh, M. J.,
Early,	Kolankiewicz,	Rank,	Wilkinson,
Eckels,	Komorowski,	Rausch,	Williams,
Elder,	Krise,	Readinger,	Winner,
Elliott,	Lee, T. H.,	Reagan,	Wood, L. H.,
Ely,	Leisey,	Reese, D. P.,	Wood, N.,
Falkenstein,	Leonard,	Reese, R. E.,	Woodring,
Finestone,	Lesko,	Regan,	Woodside,
Finnerty,	Levy,	Reynolds,	Wright,
Fiss,	Leydic,	Rhea,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
	Longo,	Rooney,	Young,

Fletcher,
Flynn,
Foote,

Lovett,
Lyons,
Malloy,

Rose, S.,
Rose, W. E.,
Royer,

Kilroy,
Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in. Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 811.

An Act to further amend section three of the act approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16), entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, re-use, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages, also declaring certain places nuisances and providing for their abatement also providing for penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 3, page 3, line 8, by striking out the light-faced bracket before the word "except"; also same page, at the end of line 26, by inserting light-faced brackets before and after the word "permit-holding"; also at the end of same line by inserting after the word "permit-holding" the word "licensed"; also same page, line 27, by inserting after the word "Stores" the words "or to distributors or importing distributors holding special licenses under the 'Beverage License Law' and its amendments"; also same page, at the end of line 29, by inserting a light-faced bracket before the word "permit"; also at the end of same line by inserting after the word "permit" the word "license"; also on page 4, at the beginning of line 1, by striking out the light-faced bracket before the word "at"; also same page, line 2, by inserting light-faced brackets before and after the word "permit"; also same line by inserting after the word "permit" the word "license"; also same page, line 3, by inserting light-faced brackets before and after the word "permits"; also same line by inserting after the word "permits" the word "licenses"; also same page, line 5, by inserting light-faced brackets before and after the word "permit"; also same line by inserting after the word "permit" the word "license"; also same page, line 6, by inserting light-faced brackets before and after the word "permit-holding"; also same line by inserting after the word "permit-holding" the word "licensed"; also same page, at the end of line 7, by striking out the light-faced bracket after the word "Stores"; also same line, by inserting after the word "Stores" the words "or to distributors or importing distributors holding special licenses under the 'Beverage License Law' and its amendments".

On the question,
Will the House concur in the amendments made by the Senate?

Mr. ACHTERMAN. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

REPORT AND DISCHARGE OF COMMITTEE

Mr. CHARLES H. BRUNNER. Mr. Speaker, your committee appointed to wait upon the Senate and escort them to the Hall of the House for the Joint Session has performed that duty and the Senate is now present.

The SPEAKER. The Committee is discharged with the thanks of the House.

The President pro tempore of the Senate is invited to preside over the Joint Session of the General Assembly.

The Members of the Senate and House will remain standing until called to order by the President of the Senate.

JOINT SESSION

PRESIDENT PRO TEMPORE EALY. The Joint Assembly will be in order pending the arrival of the Governor.

The SERGEANT-AT-ARMS OF THE SENATE. Mr. President pro tempore I present to you the Committee appointed to escort the Governor to the Hall of the House.

Mr. MALLERY. Mr. President pro tempore, we have the pleasure and the honor of presenting to you His Excellency, the Governor of the Commonwealth, the Honorable Arthur H. James.

PRESIDENT PRO TEMPORE EALY. Mr. Speaker, Members of the Joint Session, I have the honor and pleasure of presenting the Governor of the Commonwealth of Pennsylvania, the Honorable Arthur H. James who will now address you.

MESSAGE OF GOVERNOR ARTHUR H. JAMES

GOVERNOR JAMES, Senator Ealy, Speaker Kilroy, and Members of the General Assembly:

Pennsylvania at this moment is in the most tangled financial situation of its history.

With a few exceptions, Pennsylvania's departments of government have not one cent of money legally available to conduct any of the normal State activities. This is true of all of the various General Fund departments of State Government.

We have no money legally available to meet State pay-rolls due next week.

We have relief funds for only two weeks.

Except for relief checks, these departments are operating entirely on credit.

This situation is due to the deliberate action of a group of Democrats in the House of Representatives who bottled up the budget program when it was presented last February 3rd, and kept it under lock and key until the closing days of May, when it was changed to a form not acceptable under the laws of this Commonwealth and passed by the House too late for the necessary and proper corrections to be made before this biennium began.

The effects of the long delay in budget action were to

compel the State to stop payment on a long list of subsidies and appropriations to prevent our running out of cash. The inconvenience and distress which resulted was, of course, obvious to those responsible for the delay in action on the budget. Such considerations, however, did not sway the so-called Democratic leaders from their policy of delay.

The agencies which have suffered and who are entitled to know where the responsibility lies include the following:

The first, second and third class school districts;

About 200 State-aided hospitals and homes;

State-aided welfare institutions;

Fourteen State-aided universities and medical colleges.

Checks long overdue could have been sent these institutions weeks and months ago, if the Democratic leadership of Pennsylvania's House of Representatives had acted at the proper time. For example, thousands of teachers' salaries are still unpaid as the result of the vicious political tactics of these representatives of Pennsylvania's men and women.

We now are at the deadline at which immediate action is necessary if the Commonwealth is to keep the pledge made by both Republican and Democratic members of the Legislature, when we borrowed from certain funds to maintain relief—the pledge that the money would be returned during the current month. These moneys were to have been returned by means of the sale of tax anticipation notes.

Legislation for this purpose was introduced long ago. As is necessary under the law, these bills set forth the official estimate of revenue. The super-optimists of the lower House insisted on increasing these estimates.

The bonds cannot be sold with any except the official estimates of revenue printed in the bill. The entire tax anticipation note program has been held up wilfully and deliberately, for political purposes, on the sole excuse that certain individual Democratic leaders valued their own estimates of revenue ahead of the official estimates of the State.

The amount of money being held up as a sop to the pride of the Democrats, who have tried to second guess the Department of Revenue on estimates for the current biennium, reaches the staggering total of \$85,445,700. All of this money either is payable now or will be payable by the time tax anticipation notes can make it available.

The separate items involved are as follows:

Motor License Fund	\$47,550,000
Liquid Fuels Tax Fund	11,000,000
Liquor License Fund	7,250,000
Fire Insurance Tax Fund	2,300,000
State School Fund	2,000,000
Sinking Fund Payments on Veterans	
Bond Issue	2,150,000

The specific amounts already overdue, and which can only be paid when the tax note program is agreed upon, are as follows:

Second and Third Class School Dis-	
tricts	\$2,426,455
First Class School Districts	1,475,814
State-aided Universities and Colleges	2,492,596
State-aid Hospitals and Homes	2,248,164

In addition, the Deficiency Bill calls for appropriations of \$4,552,671, most of which goes to distressed school dis-

tricts and which also can be paid only from money raised by sale of these tax notes.

Repeated conferences have been held in the past few days, attempting to obtain from the Democratic Chairman of the House Appropriations Committee, his consent to the passage of the enabling legislation. This compromise was with the thought of issuing the notes against taxes already in effect—a total of approximately \$373,000,000. This would be more than ample for the proposed tax sale.

The Chairman emphatically declined to accept the official estimates which must be the basis if the notes are to find purchasers.

Thus far he has refused to accept any except his own estimates which, of course, have no standing at law. He has refused to agree to the program even when his suggestion that the enabling act carry the words "at least" before the official estimates of revenue was accepted by the Republicans.

I will leave to some further occasion discussion of the question whether this line of conduct is service, politics or sabotage, but in the meantime I must warn this legislative body that today is the last day on which action can be taken without violating our specific pledge as to the time when these borrowings are repaid.

I find no indications thus far of any intention of those who hold the reins for the Democratic party to budge an inch from their outrageous position. They appear to think that they have the Administration by the throat and can dictate to it with impunity. Their position appears to be that they will not vote for a balanced budget. My position is just as definite.

Since there appears to be no limit on the duration of the deadlock, the time has come when it is necessary that we find means of financing certain customary activities of the State and such special defense services as may be cared for.

Therefore, I am recommending to the Pennsylvania Senate that it immediately proceed with the passage of the General Appropriation Bill in the form in which it came from the House. This bill can be finally passed this week and thereby be ready for my signature next Monday or Tuesday.

This bill provides for "the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt, and the support of the public schools."

Its passage, even in the mangled form in which it was adopted by the lower House, will nevertheless furnish funds for the maintenance of most of the regular activities of State Government.

It does not include subsidies for hospitals or for educational and welfare institutions.

It does not include relief.

The Commonwealth of Pennsylvania must have cash, and must have it immediately, to prevent our hospitals, our universities and public schools from closing, and to give succor to our old people, our blind and unemployed.

The appropriations as listed are subject to reduction in such amounts as I deem proper. Such appropriations as have been made excessive by the Democratic bloc which has seized control of the lower House, can easily be rectified at the time I sign the bill. Appropriations which have been cut too low, or which have been deleted entirely, cannot be corrected at that time, but the omissions can be remedied by separate appropriation bills.

For example, the Democratic House saw fit to delete all funds for parole supervision. Presumably this was done under the misapprehension that if the new Parole Bill passes, the appropriation to the Department of Justice would be unnecessary. Those responsible overlooked the fact, however, that the proposed parole legislation would not take effect for a year.

Some further provision will be necessary to prevent the entire collapse of parole supervision during the coming twelve months.

Various other similar reductions and deletions should be corrected, and this can be done by means of independent or supplementary appropriation bills.

In general, it may be said that speedy adoption of this bill, without further attempts at adjusting its inequities, offers the only means by which normal and the emergency defense activities of the State can be financed at an early date.

Signing of the bill will permit State payrolls to be met with a minimum of delay.

Further, when it becomes effective, money will be made available for defense activities, such as the Defense Corps, the State Council of Defense, and certain special requirements as occur in the Department of Commerce, the Department of Health, and other administrative departments.

Embraced in this bill are the appropriations for the maintenance of hospitals under State supervision. The bill was amended in the House with the apparent intent of covering the hospitals whose taking over by the State is still under discussion.

No provision having been made by the Legislature to raise moneys to cover the \$12,000,000 additional cost which would be saddled upon the State by the taking over of these institutions, and no final decision having been made by the Legislature on my urgent recommendation that the effective date of these laws be postponed for two years and, further, it appearing that the appropriations included for the purpose are inadequate to carry out this program, I shall therefore reduce the appropriations in this field to the amounts set forth in my budget message of last February.

If the Democratic leadership of the Legislature insists on its unwise determination to force this additional expenditure upon the State, in spite of the urgent recommendation of Washington that new expenditures of this nature be postponed until after the present National emergency, I must insist that revenues for this purpose be found.

Appropriations not backed up by revenues do not pay the bills. Neither do wishful thinking and kited estimates give the State one cent more of revenue.

The so-called Democratic budget is a humbug and a fraud, and those who drafted it are well aware of the fact.

It does not balance with itself.

Omissions and shortages have been brought to light totalling at least \$15,800,000 of expenditures that its drafters knew were inescapable—more than twice the total of recommended tax reduction.

It calls for expenditure of many millions of dollars more than revenues which are in sight.

It cannot be given serious consideration in its present form, because it does not balance with itself and does not balance with the official estimates of revenues, by which myself and other State officials are bound.

Its discrepancies have been pointed out to its authors

and they have done nothing to correct those discrepancies.

Talk of a "compromise" in this matter is absurd. Where is the room for compromise between a bridge which is long enough and a bridge which is too short?

A balanced budget for Pennsylvania at this time would bridge the chasm of deficit and lead the way to major tax reductions in 1943. A red ink budget, such as the Democratic leadership is urging, would leave the State so far in debt at the end of the current biennium that any major tax reduction program would be impossible.

Enactment of the General Appropriation Bill, as recommended above, does not solve the budget problem. It does not appreciably change that problem. The same basic issues remain:

Shall Pennsylvania's books be balanced, or shall we keep a mortgage upon our house of government?

I was elected by a huge majority when I ran for Governor on a pledge of putting the State's books in balance and of working for major tax reductions. I believe that the vast majority of the men and women of this State still believe in and support that program.

I do not believe that the shallow political tricks of a handful of ambitious Democratic bosses are fooling any one but themselves.

I do not propose to surrender to any shotgun tactics on the floor of the House.

My record as Governor during this period of international crisis, my response to President Roosevelt's plea for unity, the non-partisan and non-political measures I have taken in any field touching upon National Defense are well known to everyone.

I have carefully refrained from injecting political considerations into the situation.

Republican members of both Houses of the Legislature have followed the same course.

Our efforts to be impartial have been taken advantage of, not by Democrats in general so much as by small groups of officials and so-called leaders who came back into power as deadhead passengers on the Roosevelt Express. Their abuse of power is approaching a scandal.

I have refrained from engaging in a public battle over this matter in the hopes that the saner counsel which unquestionably comes from the public-minded rank and file of the Democratic party would convince their so-called leaders that this is no time for them to play political parlor tricks with the taxpayers' money.

It now appears that certain of these leaders have the bit in their teeth and are deaf, not only to common sense, but to the wishes and welfare of the rest of their party, both in Pennsylvania and at Washington.

If they are determined to sell their party down the river by insisting in their efforts to wreck the state's financial program, I suppose that I, as a Republican, should not object to this form of political suicide on their part.

But as Governor of a great state, faced with some of the most serious problems in our history; as a public official seeking earnestly and diligently to serve the general need in an hour of crisis; as a Republican who has sought sincerely to respond both to the imperative need and the President's explicit call for unified non-political action in this time of emergency—in a word, as a man who takes his oath of office seriously, I do object to any course on anyone's part which can undermine the Com-

monwealth's ability to do its full share in whatever tasks are before it.

I propose to fight out the cause of a balanced budget along lines of economy and good governmental house-keeping, if it takes all summer.

Reluctant as I am in this period of emergency to embark on what will inevitably turn into a political battle, I wish to serve notice on those whom I believe to be putting partisan greed and political chicanery ahead of their sworn duty to State and Nation that, in the cause of sound finances for the men and women of this Commonwealth, there will be no surrender.

PRESIDENT PRO TEMPORE EALY. The Chair wishes to express the thanks of the General Assembly to the Governor for his message on the fiscal policies of the Commonwealth.

The purpose for which the Joint Session was called has been consummated. The Joint Session is now adjourned. The Senators will return to the Senate Chamber and resume their duties.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

RESOLUTIONS

RECALLING HOUSE BILL No 1088 FROM THE GOVERNOR

Mr. SAMUEL ROSE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur), that House Bill No. 1088, Printer's No. 313, entitled "An act prohibiting the employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold excepting on sale licensees and the wives of on-sale licensees providing penalties for a violation thereof repealing all inconsistent legislation," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

RECALLING HOUSE BILL No. 1259 FROM THE GOVERNOR

Mr. CHERVENAK offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur), that House Bill No. 1259, Printer's No. 555, entitled "An act authorizing the creation of and providing for and regulating the maintenance and operation of a county employes' retirement system in counties of the fourth class imposing certain charges on counties and fixing penalties", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I listened with attention to the remarks of the Governor made a short time ago. Unfortunately I have not had in advance a copy of that address, therefore I do not intend at this time to answer in detail the remarks of the Governor, but I do feel that in passing, Mr. Speaker, some sort of a brief digest of his remarks should be made.

Perhaps the one thing that struck me most forcibly was the Governor's comment about the huge majority he had when he ran for Governor, and the intimation that it could be done again.

I couldn't for my party, wish it better luck than that this same man should head their ticket. I say, Mr. Speaker, if he did he would know the esteem and the confidence that the people of Pennsylvania have in him. Let me point in his same speech to the reason why I make those remarks. You will recall that he said, "If you want tax reduction in 1943." That is the same old battle cry of infamous misrepresentation and deception. You recall and I recall this same Governor that just addressed you went throughout the state of Pennsylvania talking about the savings he was going to make and pass on to the people of Pennsylvania.

Well, Mr. Speaker, he did not do it in 1939 and he has admitted he is not going to do it in 1941, unless the Democrats force him to do it.

Then he raises the battle cry of politics. Did you ever hear more politics from the rostrum than you heard today? How and why? "Oh," he says, "we'll give you tax reduction in 1943." Do you think the people of Pennsylvania believe that he is sincere in that statement, when you already have the story of what he did in 1939 and what he wants to do in 1941? When he wants something, he is strong on the promises, but after he secures what he wants he forgets his promises.

Perhaps, Mr. Speaker, there is something else of importance that the Governor said. I listened with approval when he told the Senate they ought to go to work. I checked on the Senate. You know, Mr. Speaker, with this serious financial problem he speaks about that the Commonwealth is faced with, the Finance Committee of the Senate did not meet today and has not been doing much meeting since we first came here. Yes, I can say to Governor James, "You had better tell your Finance Committee of the Senate to go to work." There is the crux of our problem and there, Mr. Speaker, in that Senate lies the political problem today.

Then this governor says this, "Our hospitals don't have any money." What has that got to do with it under the circumstances? We have not met our February payments nor any other payments that this selfsame Governor should have seen that his budget of 1939 would make it possible to pay? What has he done with the moneys that he so confidently told the people of Pennsylvania he had for the operation of this government and for our hospitals and colleges? Passing it on to 1941. No, that's no answer. Mr. Speaker, the charity specified is hospitals. He knows that he should have made those payments in February as well as the later payments, and he knows he should have had his budget in such condition that he could make those payments.

Now, Mr. Speaker, raising the same battle cry of politics, he said, "Why it's the budget of 1941." The budget of 1941 should pay the bills of 1939? He is not going to fool anyone with that statement.

Then as to the question as to whether or not we are willing to talk to the Governor. Today is the first that I learned that the Governor approved the story or rather the message that was delivered to me only yesterday afternoon. Only about twenty-four hours before this crisis did I learn that this Governor was willing that his offices and departments cooperate on the problem, would

be willing to study it. Apparently he has changed his mind somewhat on that now, but only yesterday the minority leader of this House approached me and told me that the Budget Office and Revenue Office was willing to meet with us to discuss this problem? Then I inquired about the Senate and learned what? Well, maybe and maybe not; at least no one has been designated there, and our conversation was left with the understanding that the Senate would be contacted for the purpose of their designating someone to study with us and with the Governor's office.

Mr. Speaker, I ask you in sincerity and I ask the people of Pennsylvania, does that sound like a man desirous of solving the problems of Pennsylvania or does it sound like a man who is desirous of raising a political flag, claiming that he is crucified but unwilling to step forward to study? Infamous deception from beginning to end, I brand that speech.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I intend to make no reference to the political remarks which were made by the gentleman from Monroe, nor do I expect to make any detailed answer to the statement which he just made concerning the proposed conference. As a matter of fact, I think some of the things which led up to that, and the discussions which were held between himself and myself were of a confidential nature, and fearing that I might divulge something that would not be fair to either him or to me or to the administration, I am not going to make any further reference to that point.

As I understood the Governor's speech and as I recall it, he made references to the conferences which were held between the gentleman from Monroe and the Budget Secretary concerning the Tax Anticipation Notes bill. I made reference on the floor of the House a number of times to the importance of that bill, and I have related in detail the history of that bill and of the action of the Democratic party and their delays concerning it. I shall make no further reference to that. I did make reference to the amendment which was suggested and which it was understood by me have been agreed upon between the gentleman from Monroe and the Budget Secretary some time ago. If that amendment had been adopted, the Tax Anticipation Notes bill could have been passed, and the pledge that was made by this House of Representatives to the people of the Commonwealth of Pennsylvania could have been kept. But they have refused to agree to take action on the amendment about which the conferences of the gentleman from Monroe and the Budget Secretary were held. That is the matter to which the Governor was referring in his speech when he talked about the conferences between the Democratic floor leader and the members of his cabinet.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I just wish to clarify the remarks made by the gentleman from Dauphin as to whether or not I have violated a confidence with regard to a proposed

meeting. The remarks, may I say, Mr. Speaker, when Mr. Woodside approached me I was not informed that the suggestions were made in confidence. . . .

Mr. WOODSIDE. Mr. Speaker . . .

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Woodside.

Mr. WOODSIDE. Mr. Speaker, I ask the gentleman to yield for a moment until I make a statement on that point.

The SPEAKER. Will the gentleman from Monroe yield for a moment?

Mr. ACHTERMAN. I shall, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I did not say that the gentleman had violated a confidence. I said that I did not care to go into the matter further because I feared I might violate a confidence with him and with the administration and therefore, I would not make any further statement on it in public until I talked about it in private with him. I did not accuse him of violating a confidence.

Mr. ACHTERMAN. Mr. Speaker, I thank the gentleman from Dauphin. I misunderstood him.

REPORTS FROM COMMITTEES

Mr. McDERMOTT, from the Committee on State Government, reported as amended, House Bill No. 1484, entitled:

An Act to amend section one of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employes, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, commission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or em-

ployes, respectively, and providing for the compensation of such substitutes," by extending provisions to include certain provisional employes of the Commonwealth of Pennsylvania in its civil service.

Mr. HOLLAND, from the Committee on Education, reported as amended, House Bill No. 846, entitled:

An Act requiring school boards in all school districts to grant leave of absence to all school employes who shall volunteer or be called for military naval or similar service under the Selective Service Law of 1940 or subsequent laws of the United States of America and to all school employes in the National Guard, land or naval reserve forces who shall be called for active duty; preserving certain contracts, salaries, increments, retirement rights, seniority, State contributions and grants to local school boards, eligibility lists, re-employment; requiring school boards to employ substitutes in places of such employes; reserving all rights and privileges of employes granted leaves of absence under the provisions herein; superseding or repealing all contrary laws.

Mr. DiGENOVA, from the Committee on Welfare, reported as amended, House Bill No. 539, entitled:

An Act to further amend section four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-seven (P. L. 2045), entitled "An act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives, and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure," by exempting certain property from execution in certain cases.

PUBLIC HEARING

The Committee appointed to investigate the Bureau of Vital Statistics will hold a public hearing in the New House Caucus Room on Wednesday, June 11 at 6:30 p. m., E. S. T.

ADJOURNMENT

Mr. DALRYMPLE. Mr. Speaker, I move that this House do now adjourn until Thursday, June 12, 1941, at 10 a. m.

The motion was agreed to, and (at 4:42 p. m.) the House adjourned.

Legislative Journal.

Session 1941.

135th of the General Assembly.

Vol. 25.

HARRISBURG, PA., THURSDAY, JUNE 12, 1941.

No. 70.

SENATE

THURSDAY, June 12, 1941.

The Senate met at 12:30 o'clock, p. m., E. S. T.
The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the Chair.

PRAYER

The PRESIDENT. In the absence of the Chaplain the prayer will be offered by the Senator from Berks, Dr. RUTH.

Our Father, we come to Thee today and we ask that Thy spirit will guide us to do the work for which Thou hast appointed us. We praise Thee for the trust and confidence which Thou hast placed in us and those whom we represent. We pray that we may be guided constantly that we may appreciate Thy trust in us and give the best that we have so that our state shall remain the great state it always has been. Forgive us our sins and when we are tempted in life to turn aside from the path which Thou hast marked for us, may we reach forth and take Thy hand and be guided safely through. We ask it in Thy Holy Name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. GELTZ and Mr. WALKER, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

NOTARIES PUBLIC

The Secretary to the Governor being introduced, presented in writing from His Excellency, the Governor of the Commonwealth, nominations for appointment as Notaries Public.

CONSIDERATION OF NOTARIES PUBLIC

Mr. JAMES. Mr. President, I move that the Senate do now proceed to the consideration of nominations for appointment as Notaries Public, sent to the Senate, June 12, 1941, by His Excellency, the Governor of the Commonwealth.

Mr. EALY. Mr. President, I second the motion.

The motion was agreed to.

The nominations were read as follows:

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public, for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Charles R. Meyer, 325-327 Penn Ave., Pittsburgh.

LANCASTER COUNTY

F. L. Cassel, Manheim.

PHILADELPHIA COUNTY

Miss Sarah Kirkpatrick, 4901 Stenton Ave., Phila.
Harold E. Snyder, 748 E. Venango St., Phila.

VENANGO COUNTY

Norman E. Clay, Oil City.

YORK COUNTY

Willis P. Bower, York.

ARTHUR H. JAMES.

NOMINATIONS FOR NOTARIES PUBLIC

A motion was made by Mr. JAMES and Mr. EALY, That the Senate do advise and consent to said nominations.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Barr,	Dent,	Kephart,	Stevenson,
Bartlett,	Ealy,	Lanius,	Stiefel,
Becker,	Edmonds,	Mallery,	Taylor,
Carr,	Farrell,	McQuiddy,	Thomas,
Chapman,	Geltz,	Miller,	Tyler,
Coleman,	Haluska,	Mundy,	Wade,
Cox,	Heyburn,	Ruth,	Watkins,
Crider,	Homsher,	Scarlett,	Wilson, H. T.,
Crowe,	James,	Snowden,	Wilson, T. B.,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

He also presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

APPOINTMENT AS JUSTICE OF PEACE
IN BRADFORD COUNTY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Wallace H. Griggs, R. D. 5, Towanda, Bradford County, for appointment as Justice of the Peace in and for the Township of Sheshequin, Bradford County, until the first Monday in January, 1942, to fill a vacancy.

ARTHUR H. JAMES.

BILLS SIGNED

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 253, entitled:

An Act giving volunteer firemen appointed as special police officers certain police powers at fires attended by their fire companies in any city, borough, town and township.

House Bill No. 276, entitled:

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals, and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects, structures, buildings, and facilities of the Authority or for the services rendered by the Authority or its projects.

House Bill No. 316, entitled:

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public; and requiring certification of their authority.

House Bill No. 376, entitled:

An Act to amend paragraph (a) of section eight hundred sixty-five of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "The Penal Code" by prohibiting the sale of lubricating oil which has been used and re-refined unless such oil is clearly so labeled.

House Bill No. 398, entitled:

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

House Bill No. 578, entitled:

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

House Bill No. 1190, entitled:

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

House Bill No. 1265, entitled:

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," by changing a certain route.

Whereupon,

The PRESIDENT (Lieutenant-Governor Samuel S. Lewis) in the presence of the Senate signed the same.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented an extract from the Journal of the House of Representatives, which was twice read, considered and agreed to:

In the House of Representatives, June 12, 1941.

Resolved that (if the Senate concur) That House Bill No. 727, Printer's No. 821, entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "Rural State Highway Law," establishing an additional route in the County of Northumberland

be recalled from the Governor for further amendment

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL RE-REFERRED

Mr. HENRY I. WILSON, from the Committee on Workmen's Compensation, Senate Bill No. 1177, (House Bill No. 989), entitled:

An Act to amend section four hundred and eighteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by allowing certain exemptions to be waived in favor of labor unions

with the request that it be re-referred to the Committee on Insurance, which was so ordered.

MOTION TO PROCEED TO SECOND
READING CALENDAR

Mr. GELTZ. Mr. President, I move that the Senate do now consider second reading bills, beginning on page 1 of the Calendar.

Mr. EALY. Mr. President, I second the motion.
The motion was agreed to.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 313, on second reading, entitled:

An Act to amend section two of and to add section four to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 600), entitled "An act providing that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its civil service, or by any department, bureau, com-

mission, or office thereof, or by any county, municipality, township, or school district, shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment, enrollment, or draft in the military or naval service of the United States or any branch or unit thereof, in time of war or contemplated war; prohibiting the removal from their offices or employments of such officers and employes during the period of their service in the Army or Navy; directing that one-half of the salaries or wages of such officers or employes as have dependent wives, children, or parents, and not exceeding two thousand dollars per annum, be paid during the term of their service in the Army or Navy to such dependents; authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employes, respectively, and providing for the compensation of such substitutes," prescribing the compensation of officers and professional employes of school districts and saving their rights under the Public School Employes Retirement System, and to salary increments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 372, (House Bill No. 581), entitled:

An Act making an appropriation to the Department of Agriculture for laboratory research in the prevention of the transmission and in the cure of mastitis and Bang's disease in cattle.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 372 (House Bill No. 581), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

Mr. GELTZ. Mr. President, I might say at this time there are a great number of these appropriation bills on which we intend to make the same request.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 440, (House Bill No. 251), entitled:

An Act to amend section eleven of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2532) entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth and to provide for the administration thereof" by providing that payment of an award from the funds established by said act shall not provide any right of recovery against the employer and that the employer

may pay the award in advance of payment from the fund and shall thereupon be subrogated to the rights of the employe or any other party in interest against the fund.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 589, (House Bill No. 1092), entitled:

An Act making an appropriation for the expenses of the committee of the House of Representatives created by House Resolution Serial Number forty-nine, adopted the nineteenth day of February, one thousand nine hundred forty-one.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 589 (House Bill No. 1092), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 760, (House Bill No. 739), entitled:

An Act to further amend paragraph six of section one of the act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by further defining State employe.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 911, entitled:

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 924, (House Bill No. 1035), on second reading, entitled:

An Act to further amend clause ten of section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employees defining uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employees serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" further defining "new member"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 938, (House Bill No. 49), entitled:

An Act making an appropriation for the maintenance repair and improvement of the Port of Philadelphia.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 938, (House Bill No. 49), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 939, (House Bill No. 61), entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 939, (House Bill No. 61), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 940, (House Bill No. 266), entitled:

An Act making an appropriation to the Glen Mills School situate in Delaware County, Pennsylvania.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 940, (House Bill No. 266), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 942, (House Bill No. 280), entitled:

An Act making an appropriation to the Trustees of the College of Lincoln University Chester County.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 942, (House Bill No. 280), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 943, (House Bill No. 281), entitled:

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional federal funds.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 943, (House Bill No. 281), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 944, (House Bill No. 284), entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that Department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 944, (House Bill No. 284), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 945, (House Bill No. 291), entitled:

An Act making appropriations for aid to free public non-sectarian county libraries and for the purchase and transportation of books.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 945, (House Bill No. 291), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 946, (House Bill No. 301), entitled:

An Act making an appropriation to Sleighton Farm School for Girls situate in Delaware County Pennsylvania.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill

No. 946, (House Bill No. 301), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 948, (House Bill No. 317), entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 948, (House Bill No. 317), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 949, (House Bill No. 322), entitled:

An Act making an appropriation from the Game Fund to the State Employees Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Game Fund.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 950, (House Bill No. 333), entitled:

An Act making an appropriation from the Fish Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Fish Fund.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 951, (House Bill No. 347), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Banking Department Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 952, (House Bill No. 348), entitled:

An Act making an appropriation to the Department of Welfare to pay for the care treatment removal and maintenance of the indigent insane in The Dixmont Hospital at Dixmont Allegheny County.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 952 (House Bill No. 348), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 953, (House Bill No. 351), entitled:

An Act making an appropriation to the Johnson Industrial School of Scranton Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 953 (House Bill No. 351), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 954, (House Bill No. 371), entitled:

An Act making an appropriation to the Department of Forests and Waters for the use of the Valley Forge Park

Commission in payment of lands acquired by condemnation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 954 (House Bill No. 371), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 955, (House Bill No. 378), entitled:

An Act making an appropriation to the Chief Clerk of the House of Representatives for the payment of expenses and compensation of the Electoral College of 1940.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 956, (House Bill No. 489), entitled:

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance of, and the purchase of apparatus and equipment for, the University of Pittsburgh, and for the maintenance of teaching facilities in hospitals for students in the School of Medicine.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 956 (House Bill No. 489), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 960, (House Bill No. 614), entitled:

An Act making an appropriation to the Downingtown Industrial and Agricultural School Downingtown Pennsylvania

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 960 (House Bill No. 614), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 967, (House Bill No. 1003), entitled:

An Act making an appropriation to the Moore Institute of Art Science and Industry formerly Philadelphia School of Design for Women at Philadelphia Pennsylvania

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 967 (House Bill No. 1003), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 968, (House Bill No. 1065), entitled:

An Act making an appropriation to the National Farm School at Doylestown, Pennsylvania.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 968 (House Bill No. 1065), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 969, (House Bill No. 1066), entitled:

An Act making an appropriation to the Trustees of the Hahnemann Medical College and Hospital of Philadelphia Pennsylvania

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 969 (House Bill No. 1066), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 970, (House Bill No. 1068), entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 970 (House Bill No. 1068), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 971, (House Bill No. 1083), entitled:

An Act making an appropriation to the Trustees of Temple University at Philadelphia Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 971 (House Bill No. 1083), the bill just read, be recommitted to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.
The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 972, (House Bill No. 1106), entitled:

An Act making an appropriation to the Women's Medical College of Pennsylvania, located at East Falls, Philadelphia, Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 972 (House Bill No. 1106), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 979, (House Bill No. 1321), entitled:

An Act making an appropriation to the Department of Property and Supplies for payment of balances due certain contractors for additions and alterations at the Harrisburg State Hospital.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 979 (House Bill No. 1321), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 980, (House Bill No. 1330), entitled:

An Act making an appropriation from the State Stores Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Stores Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 981, (House Bill No. 1332), entitled:

An Act making an appropriation from the Motor License Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 982, (House Bill No. 1334), entitled:

An Act making an appropriation to the Department of Property and Supplies for the payment of claims arising in connection with the erection and construction of the Eastern State Penitentiary at Graterford.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 982 (House Bill No. 1334), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 983, (House Bill No. 1343), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 984, (House Bill No. 1344), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 985, (House Bill No. 1345), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to State employees receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 987, (House Bill No. 1417), entitled:

An Act making an appropriation to The General State Authority, to defray the costs and expenses of the said Authority in connection with the organization, administration, and operation thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 992, (House Bill No. 1590), entitled:

An Act making an appropriation to the Board of Trustees of the Philadelphia Museum Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 992 (House Bill No. 1590), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 993, (House Bill No. 1591), entitled:

An Act making an appropriation to the Pennsylvania Museum and School of Industrial Art Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill

No. 993 (House Bill No. 1591), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1012, (House Bill No. 1418), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain homes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1012 (House Bill No. 1418), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The Senate proceeded to the second reading and consideration of Senate Bill No. 1013, (House Bill No. 1419), entitled:

An Act making an appropriation to the Department of Welfare for the maintenance of certain hospitals.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1013 (House Bill No. 1419), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1030, (House Bill No. 931), on second reading, be read:

An Act to further amend section six of the act approved the first day of July one thousand nine hundred and thirty-seven (P. L. 2603) entitled "An act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases" fixing the rate of the annual tax levy on real estate and authorizing the computation and entry for

collection purposes in tax duplicates of the county or school districts of the taxes due to vocational school districts and the separate accounting and return thereof and making further provision with reference to the bond of tax collectors

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1037, on second reading, entitled:

An Act to amend section four hundred and twenty A of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by authorizing minors of the age of eighteen years and upwards to contract for policies of life insurance and annuities, and giving them full rights, powers and privileges with regards thereto whether heretofore or hereafter applied for or issued to them with the same force and effect as if they were of age

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with;

The Senate proceeded to the second reading and consideration of Senate Bill No. 1050, (House Bill No. 305), entitled:

An Act making an appropriation to the Elwyn Training School at Elwyn in the County of Delaware Commonwealth of Pennsylvania and prescribing certain conditions upon which the appropriation will be available to the school.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1050 (House Bill No. 305), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1051, (House Bill No. 573), entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the

Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and forty-one and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and forty-one.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1057, (House Bill No. 267), entitled:

An Act making an appropriation to aid certain school districts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1057 (House Bill No. 267), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1058, (House Bill No. 300), entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1058 (House Bill No. 300), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1059, (House Bill No. 472), entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1059 (House Bill No. 472), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1064, (House Bill No. 848), entitled:

An Act to further amend paragraph nineteen of section one thousand two hundred ten of the act approved the eighteenth day of May one thousand nine hundred eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" providing for the continuation of payments for closed schools to districts which by reason of any increase in population have been changed from a four class district to one of another class.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1066, (House Bill No. 1203), entitled:

An Act making an appropriation to the Jefferson Medical College of Philadelphia Pennsylvania for medical education.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1066 (House Bill No. 1203), the bill just read, be re-committed to the Committee on Appropriations.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1070, (House Bill No. 1331), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employees' Retirement Board to meet the obligations of the Commonwealth to the State Employees' Retirement System with respect to the State Employees receiving compensation from the Manufacturing Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1071, (House Bill No. 1380), on second reading, entitled:

An Act to further amend the act approved the eighteenth day of July one thousand nine hundred and seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" by permitting certain contributors to contribute on the basis of salary earnable during the year one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three or on the basis of salary earnable in the payroll period for which the deductions are made and permitting certain contributors who have heretofore elected to contribute either on the basis of salary earnable during the year one thousand nine hundred thirty-two one thousand nine hundred and thirty-three or on the basis of the salary earnable in the payroll period for which the deductions are made to change their elections and requiring the Commonwealth to contribute on the same basis as the contributor

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1074, (House Bill No. 1470), entitled:

An Act providing for practical arts and vocational agriculture home economics industrial and commercial schools and classes through public school districts and in cooperation with employment offices for the training retraining instruction and adjustment of out-of-school unadjusted individuals in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1113, entitled:

An Act to amend the act, approved the thirtieth day of March, one thousand nine hundred and thirty-seven (P. L. 115) entitled "An act to provide for the permanent personal registration of electors in cities of the first class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, real estate brokers, rental agents, certain public service companies, persons, firms, and corporations operating vehicles for moving furniture and household goods and boards of school directors; and imposing penalties," as amended, by providing a fixed method for the computation of time vesting power of appointment and dismissal of employes of commission in the chairman; providing that the Governor shall designate the chairman; changing the period for registration, reducing number of registers and registration cards; providing for posting street lists; reducing period for cancellation of registration to two years; changing period of time for sending in removal notices; changing party enrollment, and filing and hearing strikeoff petitions; imposing duties on certain city officials and others relative to permanent residents of hotels, tenements and lodging houses; providing for the removal of the Commission and the Registrar of Vital Statistics; making clarifying provisions; repealing ineffective provisions; increasing power of the Courts on hearing appeals, establishing a merit system, and imposing additional penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. GELTZ. Mr. President, I move that Senate Bill No. 1113, the bill just read, be recommitted to the Committee on Elections.

Mr. MILLER. Mr. President, I second the motion. The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1114, entitled:

An Act authorizing the Department of Public Instruction with the approval of the Board of Trustees of the Indiana State Teachers' College to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof by the Indiana State Teachers' College and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1117, entitled:

An Act to amend section 1 of the act, approved the twenty-seventh day of May, one thousand nine hundred and thirty-seven (P. L. 901), entitled "An act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers, and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties," by redefining the term "Dealer in farm produce."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1142, (House Bill No. 723), on second reading, entitled:

An Act to further amend section fourteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employees' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employees, defining the uses and purposes thereof and the manner of payment therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employees; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," extending the retirement provisions relating to former teachers to additional cases who separated from school service because of physical or mental disability prior to the first day of July, one thousand nine hundred and nineteen

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1146, (House Bill No. 1323), entitled:

An Act authorizing the Department of Property and Supplies with the consent of the Department of Military Affairs and the approval of the Governor to sell and convey the property of the Pennsylvania State Arsenal at Harrisburg to the City of Harrisburg in exchange for the conveyance by said city of Wildwood Park to the Commonwealth, providing for the transfer of said park to the Department of Forests and Waters and the use thereof by the department as a State park and by other departments, boards and commissions for their respective purposes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. GELTZ. Mr. President, I ask unanimous consent that Senate Bill No. 1162, (House Bill No. 1660), on second reading, entitled:

An Act to amend section seven hundred and thirty of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by authorizing the furnishing of certain confidential information to other states and the United States

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1164, (House Bill No. 1676), entitled:

An Act to further amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1518) entitled as amended "An act regulating the construction equipment maintenance operation and inspection of elevators granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing fees for inspection of elevators certificates of operation and approval of plans providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by defining and making further provision relative to the installation and use of "man lift" elevators.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1172, entitled:

An Act making an appropriation to the Department of Health for the purpose of equipping and operating a sanatorium for the treatment of cancer and for cancer research.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1186, entitled:

An Act authorizing the Department of Military Affairs of the Commonwealth of Pennsylvania to arrange for the design and permanent display in the County of Philadelphia of a plaque or monument in memory of the Honorable Theodore Rosen; and making an appropriation.

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVED AND SIGNED SENATE BILL No. 448
(Printer's No. 139)

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 448, Printer's No. 139, entitled, "An Act to amend sections three hundred and eight and four hundred and one of the act approved the twenty-first day of June one thousand nine hundred and thirty-nine (P. L. 566) entitled 'An act defining the liability of an employer to pay damages for occupational disease contracted by an employee arising out of and in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder imposing duties on the Department of Labor and Industry the Workmen's Compensation Board Workmen's Compensation Referees and deans of medical schools creating a medical board to determine controverted medical issues establishing an Occupational Disease Fund in custody of the State Workmen's Insurance Board imposing upon the Commonwealth a part of the compensation payable for certain occupational diseases making an appropriation and prescribing penalties' by changing the method of handling the funds made available from time to time to meet the obligation of the Commonwealth to pay a part of the compensation payable for certain occupational diseases clarifying the procedure for establishing such liability of the Commonwealth and providing for the transfer and lapsing of certain moneys into the General Fund."

ARTHUR H. JAMES.

ADJOURNMENT

Mr. GELTZ. Mr. President, I move that the Senate do now adjourn until Friday, June 13, 1941, at 12:01 o'clock, a. m., Eastern Standard Time.

Mr. KEPHART. Mr. President, I second the motion. The motion was agreed to.

The Senate adjourned at 1:48 o'clock, p. m., Eastern Standard Time, until Friday, June 13, 1941, at 12:01 o'clock, a. m., Eastern Standard Time.

HOUSE OF REPRESENTATIVES

THURSDAY, June 12, 1941

The House met at 10 a. m.

The SPEAKER (Elmer Kilroy) in the Chair.

PRAYER

The Chaplain, Rev. Donald McFall offered the following prayer:

Spirit of the Living God, fall fresh on us this day. Teach us, we pray Thee, that vengeance does not belong to man, but to Thee. Help us to see in these bitter days of suffering, when the love of the Man of Galilee is mocked in the utter disregard of human life, that more than ever it is our duty to bear witness to Him who is the world's hope and the world's peace.

Open Thou our eyes to the Light that in earth's darkest hours never has gone out. May we recall to mind how in every age Thy ear has never been closed to the voice of man nor Thy arm shortened when man asked deliverance.

We pray too that we might have a proper sense of our reliance upon Thee, O God, our Father. Hear our humble prayer, we beseech Thee. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROYER, unanimously agreed to, the further reading was dispensed with and the Journal approved.

BILLS INTRODUCED AND REFERRED

By Mr. BENTZEL. HOUSE BILL No. 1848.

An Act to further amend sections one thousand two hundred one and one thousand two hundred five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by including clerks and janitors within the definition of professional employe, and regulating the employment, dismissal, suspension, demotion and retirement of such clerks and janitors.

Referred to the Committee on Education.

By Messrs. BAUGHER and GILLAN.

HOUSE BILL No. 1849.

An Act to further reenact and amend the title and act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (P. L. 86), entitled as amended "An act relating to the grading and sale of grapes and potatoes in this Commonwealth; providing penalties for violations; and imposing certain duties upon the Department of Agriculture," extending the provisions of said act to apples.

Referred to the Committee on Agriculture.

By Messrs. BAUGHER and GILLAN.

HOUSE BILL No. 1850.

An Act to amend sections one and fourteen of the act approved the fourth day of April, one thousand nine hundred and twenty-nine (P. L. 144), entitled "An act prescribing the powers and duties of the Department of Agriculture with regard to farm products; providing for co-operation with the Department of Internal Affairs to establish standard receptacles for farm products; authorizing the Department of Agriculture to establish and promulgate standards for the grade and other classification of farm products, and to promulgate regulations for the enforcement thereof; defining farm products to include agricultural, vegetable, fruit, and floricultural products of the soil, live stock and meats, wool, hides, poultry, eggs, dairy products, nuts, mushrooms, and honey; and providing penalties," by including canned farm products within the operation of said act.

Referred to the Committee on Agriculture.

By Messrs. MARKS and READINGER.

HOUSE BILL No. 1851.

An Act to amend sections three thousand seven hundred nineteen, four thousand four hundred one and four thousand four hundred two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by extending civil service provisions to include park guards.

Referred to the Committee on Cities—Third Class.

By Messrs. FALKENSTEIN and BRADLEY.

HOUSE BILL No. 1852.

An Act to compel hospitals, colleges, homes and other institutions receiving state-aid, to use coal mined in this Commonwealth.

Referred to the Committee on State Government.

By Mr. O'BRIEN.

HOUSE BILL No. 1853.

An Act making an appropriation to the joint legislative committee appointed for the purpose of investigating subversive activities of teachers in the public school system.

Referred to the Committee on Appropriations.

By Messrs. COOPER and GERARD.

HOUSE BILL No. 1854.

An Act to further amend section three hundred eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by protecting and regulating the retirement rights of county employes in counties of the second class who are required to enter active service with the military or naval forces of the United States.

Referred to the Committee on Counties.

By Mr. LOVETT.

HOUSE BILL No. 1855.

An Act requiring prothonotaries to furnish certified copies of decrees of divorce, free of charge, to the Veterans Administration and other agencies of the government of the United States or of this Commonwealth charged with the duty of administering war veterans' benefits; and prescribing penalties.

Referred to the Committee on Judiciary General.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 1047. (HOUSE BILL No. 1856).

An Act to further amend the act approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151), entitled "An act defining and regulating the business of dry cleaning and dyeing providing for the maintenance construction and inspection of dry cleaning and dyeing buildings and establishments providing for enforcing the act and penalties for violation thereof" providing for the administration and enforcement of said act by the Department of Labor and Industry exempting from certain provisions of said act certain plants and systems exclusively using a petroleum solvent having a flash point of one hundred and forty degrees Fahrenheit and empowering the Department of Labor and Industry to make alter amend and repeal rules and regulations.

Referred to the Committee on State Government.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 253.

An Act providing for the appointment powers and control of members of volunteer fire companies as special fire police and conferring powers on them at fires attended by their fire companies in any city borough town and township.

HOUSE BILL No. 398.

An Act authorizing the Department of Highways to take over bridges, viaducts and other structures on State highways for the purpose of construction, reconstruction, maintenance and repair thereof when such highways are designated as essential National Defense Highways.

HOUSE BILL No. 316.

An Act authorizing certain officers on active duty with the armed forces of the United States to act as notaries public and requiring certification of their authority.

HOUSE BILL No. 376.

An act to amend section eight hundred sixty-five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-nine (P. L. 872), entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by prohibiting the sale exposing for sale and offering for sale of certain lubricants in a manner to deceive the purchaser.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur), that House Bill No. 1088, Printer's No. 313, entitled "An act prohibiting the

employment of or the acceptance of employment by any female for the purpose of tending bar over which bar alcoholic malt or vinous beverages are sold excepting on-sale licensees and the wives of on-sale licensees providing penalties for a violation thereof repealing all inconsistent legislation," be recalled from the Governor for further consideration.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 11, 1941.

Resolved (if the Senate concur), that House Bill No. 1259, Printer's No. 555, entitled "An act authorizing the creation of and providing for and regulating the maintenance and operation of a county employees' retirement system in counties of the fourth class imposing certain charges on counties and fixing penalties," be recalled from the Governor for the purpose of amendment.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 276.

An Act making an appropriation to the Department of Property and Supplies, for the payment of rates, rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with the General State Authority for the use and occupancy by such college of the various projects, structures, buildings and facilities of the Authority or for the services rendered by the Authority or its projects.

HOUSE BILL No. 578.

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

HOUSE BILL No. 1190.

An Act relating to coal stripping operations; providing for the health and safety of persons employed therein; and for the inspection and regulation of such operations by the Department of Mines; requiring certain information and reports; and prescribing penalties.

HOUSE BILL No. 1265.

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

With the information that the Senate has passed the same without amendment.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

Mr. GROSS for himself and WALTER E. ROSE for the remainder of the week.

Mr. Wagner for Mr. HARE for the remainder of the week.

Mr. NAGLE for himself for the remainder of the week after 3 p. m.

Mr. MARKS for himself for the remainder of the week after 3 p. m.

Mr. GILLETTE for himself for the remainder of the week.

Mr. CHARLES H. BRUNNER for himself and LLOYD H. WOOD for the remainder of the week.

Mr. Muir for Mr. SERRILL for the remainder of the week.

Mr. McKinney for Mr. ECKELS for the remainder of the week.

Mr. Trout for Mr. NORMAN WOOD for the remainder of the week.

Mr. WEINGARTNER for himself for the remainder of the week after today's session.

Mr. EARLY for himself for the remainder of the week after today's session.

Mr. VOGT for himself for the remainder of the week after 2 p. m.

Mr. Polen for Mr. PETTIT for the remainder of the week.

Mr. CHERVENAK for himself and Mr. OWENS for the remainder of the week after 2 p. m.

Mr. Trout for Mr. CADWALADER for the remainder of the week.

Mr. DOLON for himself for the remainder of the week after 2 p. m.

Mr. Woodside for Mr. WINNER for the remainder of the week.

Mr. SHEPARD for himself for the remainder of the week after today.

Mr. McDermott for Mr. RAUSCH for the remainder of the week.

Mr. VOLDOW for himself for the remainder of the week after today's session.

Mr. TURNER for himself for the remainder of the week after today.

Mr. SARGE for himself for Monday, June 16, 1941.

QUESTION OF INFORMATION

Mr. BROWN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman from Allegheny will state his question of information.

Mr. BROWN. Mr. Speaker, I would like to know from the number of leaves of absence that have been asked for, would it be possible to hold a session tomorrow?

The SPEAKER. The Chair does not know. The Chair will inquire how many leaves of absence have been granted. Thirty-five members have asked for and been granted leaves of absence.

PARLIAMENTARY INQUIRY

Mr. HARKINS. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Allegheny will state his question of parliamentary inquiry.

Mr. HARKINS. Mr. Speaker, I have heard various members speak of polling the House. I rather imagine it

would be a good idea to have the Clerk read the appropriate rule of the House to instruct us all as to the proper method. I feel that having such a motion made, we all ought to have our memories refreshed on it and I ask that the Speaker instruct the Clerk to read the appropriate rule relative to the polling of the House.

The SPEAKER. House Rule 9 is as follows:

"A majority of all the members shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members as required by the Constitution."

The Chair will also read Rule 11:

"If, at any time during the session of the House, a question shall be raised by a member as to the presence of a quorum, and it shall be shown that a quorum is not present it shall be the duty of the Speaker to announce the result of the roll call and note the absentees, after which the absentees shall be again called, and those for whose absence no excuse or insufficient excuse is made, may by order of a majority of the members present, be sent for and taken into custody by the Sergeant-at-Arms."

The Chair will also read Rule 12:

"While the House is under a call, only members and officers of the House shall be admitted, and no member shall be permitted to leave the House, unless by a majority vote of the members present."

Mr. WOODSIDE. Mr. Speaker, the reading of the rules about absentees reminds me very much of the story about the preacher preaching to his congregation about the people who do not come to church.

Mr. HARKINS. Mr. Speaker, I want to thank the Speaker for informing the Members of the House. I hope it will not be necessary for us to use the information which the Speaker has just imparted to us.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 276.

An Act making an appropriation to the Department of Property and Supplies for the payment of rates rentals and other charges that may become due on leases and other contracts executed by The Pennsylvania State College with The General State Authority for the use and occupancy by such college of the various projects structures buildings and facilities of the Authority or for the services rendered by the Authority or its projects

HOUSE BILL No. 578.

An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

HOUSE BILL No. 1190.

An Act relating to coal stripping operations providing for the health and safety of persons employed therein and for the inspection and regulation of such operations by the Department of Mines requiring certain information and reports and prescribing penalties.

HOUSE BILL No. 1265.

An Act to amend section sixty-five of the act, approved the twenty-second day of June, one thousand nine hun-

dred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," by changing a certain route.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

INTERIM REPORT OF JOINT COMMITTEE TO INVESTIGATE CHARGES MADE IN SENATE

Mr. WOODRING offered the following report of the Joint Legislative Committee to investigate certain charges made on the floor of the Senate by the Senator from Fayette County, Mr. Cavalcante, which was read by the Clerk:

The Joint Legislative Committee created to investigate certain charges made on the floor of the Senate by the Senator from Fayette County, Mr. Cavalcante, further reports at this time as follows:

Senator Cavalcante has notified the Chairman of the Committee that he will appear before and cooperate with the Committee some time early next week and make a statement incorporating all the facts within his knowledge upon which his charges are based.

Wherefore your Committee is of the opinion that no further action shall be taken by said Committee pending the appearance of Mr. Cavalcante, and the receipt of his statements as aforesaid.

GEORGE B. STEVENSON,
Chairman.
CARLETON T. WOODRING,
Co-Chairman.

June 11, 1941.

Submitted—June 12, 1941.

MR. MORAN IN THE CHAIR.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1771, entitled:

An Act requiring clerks of courts to forward to the Department of Health a certificate of decrees in divorce, annulment of marriage, adoption and annulment of adoption proceedings, providing for the registration of such certificates by the said Department, the issuance of certified copies thereof, and fixing fees and penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1643, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds

and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, and resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay assess, or collect taxes or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by providing for the manner of payment of escheator's fees, informant's commissions, and other lawful charges due from moneys escheated to the Commonwealth and escheatable moneys paid to the Commonwealth without escheat, designating the funds to which said moneys shall be credited, and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1719, entitled:

An Act to add clause (k) to section two thousand one hundred two, and to repeal clause (d) of section two thousand one hundred ten of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," transferring the power to determine questions of fact regarding the purity of water supplied to the public from the Sanitary Water Board to the Department of Health, to conform with the provisions of the Public Utility Law.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1835, entitled:

An Act creating a Highway Traffic Advisory Committee to the War Department of the United States of America; providing for its appointment; prescribing its powers and duties; and by authorizing the use by the committee of the employes, equipment, supplies and facilities of certain State agencies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1397, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 457), entitled "An act relating to the business of building and loan associations; providing for the organization and voluntary dissolution of such associations; defining the rights, powers, duties, liabilities, and immunities of such associations, and of their officers, directors, shareholders, solicitors, and other employees; prohibiting the transaction of business in this Commonwealth by foreign building and loan associations; conferring powers and imposing duties upon the courts recorders of deeds and certain State departments, commissions, and officers; establishing limitations of actions; imposing penalties; and repealing certain acts and parts of acts" as amended, by requiring certificates of the payment of taxes and other charges to be filed with the Department of State in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1797, entitled:

An Act making an appropriation to the committee appointed by the Speaker of the House of Representatives to investigate the maintenance, operation and conduct of all State hospitals.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1013, entitled:

An Act to repeal section five of the act, approved the fourth day of May, one thousand nine hundred and five (P. L. 385), entitled "An act creating the Water Supply Commission of Pennsylvania; defining its duties; fixing the scope of its authority and powers and making an appropriation for the payment of the salaries and expenses connected therewith" prohibiting the issuance of letters patent to water companies until approved by the Water Supply Commission.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1466, entitled:

An Act to amend the act, approved the third day of June, one thousand nine hundred and thirty-seven (P. L. 1333), entitled "An act concerning elections, including general, municipal, special and primary elections, the nominations of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," by changing the procedure for and regulating elections by persons in actual military service, imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, and county commissioners, providing for reimbursement of counties for actual expenses incurred for canvassing the vote of electors in actual military service.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1467, entitled:

An Act to amend the act, approved the first day of June, one thousand nine hundred thirty-seven (P. L. 1132), entitled, "An act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commission, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1468, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 814) entitled, "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1469, entitled:

An Act to amend the act, approved the twenty-fifth day of May, one thousand nine hundred thirty-seven (P. L. 849) entitled, "An act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal offi-

cers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation," as amended, by requiring and providing for the registration of persons in military service to entitle them to vote at any election.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1838, entitled:

An Act making an appropriation to the Department of Highways for the purpose of making a survey of a certain State highway; and conferring certain powers upon the Department of Highways.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1765, entitled:

An Act repealing and abandoning as a State Highway State highway Routes 03123 and 03133 in Armstrong County; and providing for the reversion thereof to the townships.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1237, entitled:

An Act to amend Route 64248 of section two of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State highways, and providing for their construction and maintenance at the expense of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1051, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations, of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness

in certain cases; and appropriating money in the motor License Fund for the purposes of this act," by establishing additional routes in the City of Jeannette.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1827, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways to be used with the advice of the Pennsylvania Historical Commission for construction and improvement of roads within and approaches to The Ephrata Cloisters, and for the landscaping thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1826, entitled:

An Act to amend part of section two of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth, under certain terms, conditions and limitations of certain streets in cities of the second class, second class A, and third class as State highways, and for the improvement, constructions, reconstructions, resurfacing and maintenance by the Commonwealth of certain defined widths of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance; providing for the assessment of certain portions of the cost of street improvements on abutting property owners; regulating the replacement of certain facilities of public utility companies; prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purpose of this act," changing a certain route in the City of Johnstown.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1483, entitled:

An Act to repeal the act approved the sixteenth day of January, one thousand seven hundred and ninety-nine (3 Sm. Laws, page 338), entitled "An act to declare Franklin Creek, a public highway."

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1832, entitled:

An Act making an emergency appropriation to the Department of Highways for allocation to and distribution among boroughs and townships for the repair of certain roads and streets in Western Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1777, (Senate Bill No. 174), entitled:

A Supplement to the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 720), entitled, "An act providing for the taking over by the Commonwealth under certain terms, conditions, and limitations of certain streets in cities of the second class, and second class A, and third class, as state highways, and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of certain defined widths of said streets, imposing duties on such cities, and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon, authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance, providing for the assessment of certain portions of the cost of street improvements on abutting property owners, regulating the replacement of certain facilities of public utility companies, prohibiting the opening of said streets after improvement without a permit, and providing penalty therefor, regulating the maintenance of detours, authorizing the increase of city indebtedness in certain cases, and appropriating money in the Motor License Fund for the purpose of this act," by establishing additional routes in the City of Erie.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1791, (Senate Bill No. 724), entitled:

An Act to amend section four hundred one of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof, and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by providing for the length of the terms and the method of appointing the members of the boards of trustees of various State Schools and Teachers Colleges enumerated.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1721, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Department of Welfare, to acquire a certain tract of land for the use of Pennsylvania Industrial School, and making an appropriation therefor.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1704, entitled:

An Act authorizing the Department of Public Instruction, with the approval of the Board of Trustees of the Indiana State Teachers' College, to contract with the Borough of Indiana for the erection of a sewage disposal plant and the connection therewith and use thereof, by the Indiana State Teachers' College, and the payment of part of the cost of maintenance thereafter; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1837, entitled:

An Act to further amend clauses (6) and (7) of section two and section nine hundred eight of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-seven (P. L. 1053), entitled "An act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations, and persons; providing for the regulation of public utilities, including, to a limited extent, municipalities engaging in public utility business, by prescribing, defining, and limiting their duties, powers, and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges, and franchises; defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicles; conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons, associations, companies, and corporations, including, to a limited extent, municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed, or kept by persons, associations, companies, corporations or municipal corporations subject to this act, conferring upon the commission power to vary, reform, or revise certain contracts; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection, or abolition of crossings of facilities of public utilities, and of such facilities by or over public highways, to appropriate property for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons, associations, companies, and corporations (except municipal corporations) subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action; giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings; prescribing penalties, fines, and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by or inconsistent with this act," changing the definitions of "Common Carrier by Motor Vehicle" and "Contract Carrier by Motor Vehicle;" and giving the Public Utility Commission the right to

inspect and access to facilities and records of all persons and corporations subject to said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1585, entitled:

An Act authorizing political subdivisions to accept in full payment of municipal claims, taxes, penalties, interest and costs such amount as may be fixed for the discharge thereof in proceedings under the National Bankruptcy Act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1770, entitled:

An Act to amend the title and to further amend section forty-three of the act, approved the seventh day of June, one thousand nine hundred and one (P. L. 493), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and prescribing certain rules, regulations, and requirements for the construction of plumbing, house drainage, and cesspools in cities of the second class; and imposing fines, penalties, and forfeitures for violation thereof," by permitting the use of enclosed woodwork about sinks in all except tenement-houses and lodging-houses in cities of the second class, second class A, and third class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 934, entitled:

An Act for the preservation of eyesight and the prevention of blindness; declaring a policy in reference thereto; conferring powers and imposing duties on the Department of Health; and prescribing qualifications for persons administering such work.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1697, (Senate Bill No. 122), entitled:

An Act to amend subsection (b) of, and to add subsection (e) to, section twenty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled, as amended, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereon, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges;

the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions; and the substitution of executors and administrators therein; the survival of causes of action and suits thereupon by or against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," authorizing executors of a will with the approval of orphans' court, to sell at private sale the real and personal estate of the decedent although the will directs such sale to be public, and to purchase real and personal estate of the decedent when sold at private sale.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON FIRST READING NOT ON FILE

The SPEAKER pro tempore. House Bill No. 1465, Printer's No. 960; House Bill No. 1727, Printer's No. 957; House Bill No. 1728, Printer's No. 958; House Bill No. 753, Printer's No. 954 and House Bill No. 1805 (Senate Bill No. 697) Printer's No. 456, on page 12 of today's calendar, House Bill No. 871, (Senate Bill No. 9), Printer's No. 452; House Bill No. 1573, (Senate Bill No. 30), Printer's No. 455; House Bill No. 1828, (Senate Bill No. 787), Printer's No. 454, on page 13 of today's calendar; House Bill No. 1603, (Senate Bill No. 169), Printer's No. 453, on page 15 of today's calendar; and House Bill No. 1484, Printer's No. 970; House Bill No. 846, Printer's No. 971 and House Bill No. 539, Printer's No. 972, on page 16 of today's calendar, bills on first reading, are not on file and will be passed over.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR

The SPEAKER. The Chair thanks the gentleman from Allegheny, Mr. Moran, for presiding.

BILLS ON SECOND READING

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1101, entitled:

An Act to amend sections one thousand five hundred and one and one thousand five hundred and eight of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" further regulating sewer connections and sewer district assessments in certain cases.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1710, entitled:

An Act creating a Board of Inspection in the Department

of Public Works in cities of the first class imposing powers and duties on such board and cities of the first class and any lessee of water or gas mains owned by such city prescribing rights of persons suffering damage to property or personal injuries because of defective conditions of such mains and imposing liability on cities of the first class and lessees of water or gas mains owned by such city and repealing inconsistent legislation

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1738, entitled:

An Act to amend Route 2204½ of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1739, entitled:

An Act to amend Route 38043 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvements under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1370, entitled:

An Act to amend section eighteen of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" further regulating the removal discharge or reduction in pay or position of officers clerks and employees in the classified civil service

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1802, entitled:

An Act providing for and requiring in certain cases preference in appointments to public position for honorably discharged persons who served in the military or naval service during any War in which the United States was engaged

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The House proceeded to the second reading and consideration of House Bill No. 1231, entitled:

An Act to promote the general welfare and to protect the health safety morals and standards of living of the people of the Commonwealth of Pennsylvania by providing for the elimination of wage and hour standards detrimental to the health safety morals and standard of living of workers to establish minimum wage and maximum hour standards to prescribe the powers and duties of the Department of Labor and Industry under this act and for other purposes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF HOUSE BILL No. 2

Mr. COCHRAN. Mr. Speaker, I move that the vote by which House Bill No. 2, Printer's No. 453, entitled:

In the House of Representatives, June 12, 1941.

An Act authorizing cities, boroughs, towns and townships to construct, acquire, own, operate, control, sell and lease facilities for the production, generation, transmission, distribution or furnishing of natural or artificial gas, electricity, steam or water, or the collection, disposition or treatment of sewage and to furnish or render such services to the public within or beyond their corporate limits, or both; conferring the power of eminent domain, conferring certain powers and imposing certain duties on such municipalities, and the controller or auditors thereof, providing for and authorizing the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties, conferring certain powers and imposing certain duties on the Pennsylvania Public Utility Commission, and prescribing penalties.

was defeated on Final Passage on Wednesday, June 4th, be reconsidered.

Mr. ACHTERMAN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Fayette, Mr. Cochran, vote on the final passage of this bill?

Mr. COCHRAN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Monroe, Mr. Achterman, vote on the final passage of this bill?

Mr. ACHTERMAN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it.

Whereupon, a division was called for fifty-five members having voted in the affirmative and sixty-one in the negative the question was determined in the negative and the motion was not agreed to.

SPECIAL ORDER BILLS ON THIRD READING

Mr. ACHTERMAN. Mr. Speaker, I move that all House Bills on the third reading and final passage calendars, in their numerical order be made a special order of business immediately.

BILLS ON FINAL PASSAGE

BILLS PASSED OVER

There being no objection House Bill No. 1195, Printer's No. 929, House Bill No. 814, Printer's No. 928 were passed over at the request of the SPEAKER.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1431, as follows:

An Act to further amend section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by adding certain new routes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1172) entitled "An act establishing certain streets in boroughs and incorporated towns as State highways and providing for their construction and maintenance at the expense of the Commonwealth" is hereby further amended by adding thereto the following routes

Allegheny County

Oakdale Borough

Route 02204 Extending Route 02204 Beginning at the North Fayette Township-Oakdale Borough line thence in an easterly direction along Marian Avenue and State Street to a point on Route 681 at the intersection of State Street and Clinton Avenue in the Borough of Oakdale Allegheny County a distance of about 0.5 of a mile

Wall and Wilmerding Boroughs

Beginning at a point at the intersection of Wall Avenue and Moss Side Boulevard in the Borough of Wall thence in a general westerly direction over Wall Avenue to its intersection with the Wilmerding-East McKeesport Road in Wilmerding and Wall Boroughs being a distance of 1½ miles

Beaver County

Freedom Borough

Route 04073 Extending Route 04073 Beginning at a point on the Rochester Township-Freedom Borough line at the intersection of Route 04073 and First Street thence southwest on First Street to Constitution Way thence along Constitution Way to a point on route 641 at the intersection of Constitution Way and Third Avenue in the Borough of Freedom Beaver County a distance of about 0.3 of a mile.

Route 452 Extending Route 452 Beginning at a point on Route 452 New Sewickley Township and Freedom Borough line thence southwest along Harvey's Run Road to intersection of Route 88 on Third Avenue in Freedom Borough a distance of about 0.7 of a mile

Midland Borough

Route 243 Extending Route 243 Beginning at a point on Route 243 at the intersection of Midland Avenue and Third Street thence over Third Street to Wood Lane thence in a general northwesterly direction over Wood Lane and the Fairview Road to the Midland Borough-Ohio Township Line thence by spur from a point at the intersection of Wood Lane and Fairview Road in a westerly and southerly direction to a point on Route 243 at Midland Avenue and Spring Lane in the Borough of Midland Beaver County a total distance of about 0.8 of a mile.

Bradford County

Canton Borough

Route 08005 Extending Route 08005 Beginning at a point

on Route 08005 at the intersection of South Minnequa Avenue and South Main Street thence in a westerly direction on South Main Street to the Canton Township line in the borough of Canton Bradford County a distance of about 0.6 of a mile

Cambria County

Vintondale Borough

Route Beginning at the intersection of Main and Chickory Streets in Vintondale Borough thence northeasterly to the Vintondale Borough-Jackson Line where it connects with the county road being a distance of 0.649 of a mile

Columbia County

Briar Creek Borough

Route 19091 Extending Route 19091 Beginning at the Briar Creek Garage on Route No. 11 and extending in a northerly direction a distance of 1.1 miles to Route 19091

Erie County

East Springfield Borough

Route 86 Extending Route 86 Beginning at a point on Route 86 thence in a southeasterly direction over a public street to the Girard Township line in the borough of East Springfield Erie County a distance of about 0.5 of a mile

Platea Borough

Route 295 Extending Route 295 Beginning at a point on Route 295 at the intersection of Main and Peach Streets thence in a westerly direction on Peach Street to the Girard Township Line in the borough of Platea Erie County a distance of about 0.8 of a mile

Edinboro Borough

Route 25117 Extending Route 25117 Beginning at a point on the Washington Township-Edinboro line near the Everwine Farm thence in an easterly direction to Chestnut Street in the borough of Edinboro Erie County a distance of about 0.4 of a mile

Route 25118 Extending Route 25118 Beginning at a point on the Washington Township-Edinboro Borough line thence in a northeasterly direction on Chestnut Street to Erie Street thence on Erie Street to Route 258 at Erie and Meadville Streets in the borough of Edinboro Erie County a distance of about 0.4 of a mile

Greene County

Greensboro Borough

Route Beginning at the intersection of Fourth Street and County Street thence extending over Fourth Street to the intersection of Fourth Street and Diamond Street in the borough of Greensboro Greene County a distance of about 0.36 of a mile

Route Beginning at the intersection of County Street and First Street thence extending in an easterly direction over County Street to the westerly ferry approach to the Greensboro Ferry Company in the borough of Greensboro Greene County a distance of about 0.08 of a mile

Indiana County

Blairsville Borough

Route 68 Extending Route 68 Beginning at a point on Route 68 at the intersection of Market Street and Walnut Street thence in a southerly direction on Walnut Street to a point on Application 694 at the intersection of Walnut Street and Main Street in the Borough of Blairsville Indiana County a distance of about 0.25 of a mile

Jefferson County

Falls Creek Borough

Route Beginning at a point on the Falls Creek Borough-Washington Township line near Smithtown thence in a general northeasterly and easterly direction via Fuller Avenue to a point on Route 650 Spur at Fuller Avenue and Third Street in the borough of Falls Creek Jefferson County a distance of about 0.7 of a mile

Lackawanna County

Archbald Borough

Route 35048 Extending Route 35048 Beginning at a point on Route 35048 at South Main Street thence in a northwesterly direction to a point on Route 6 in the borough of Archbald Lackawanna County a distance of about 2.0 miles

Dalton Borough

Route 35066 Extending Route 35066 Beginning at a point on the Dalton Borough-Glenburn Township line thence in a northeasterly direction to a point on Application 4356 near the Abington Township line in the borough of Dalton Lackawanna County a distance of about 0.1 of a mile

Route 35058 Extending Route 35058 Beginning at a point on Route 35058 at La Plume Street and Main Street in the borough of Dalton thence in a northerly and easterly direction over La Plume Street to the intersection with Route 9 Lackawanna Trail thence continuing in a northerly direction to the Factoryville and Abington turnpike Application 309 in Lackawanna County a distance of approximately 0.6 of a mile

Dunmore Borough

Route 676 Extending Route 676 Beginning at a point on Route 168 at the intersection of Blakely Street and West Drinker Street thence in a northwesterly direction on West Drinker Street to Electric Street thence west on Electric Street to a point on Route 676 at the intersection of Electric Street and Jefferson Avenue in the borough of Dunmore Lackawanna County a distance of about 0.7 of a mile

Route 5 Extending Route 5 Beginning at a point on Route 5 at the intersection of South Blakely Street and Cherry Street thence in a westerly direction on South Blakely Street to the Scranton City line in the borough of Dunmore Lackawanna County a distance of about 0.53 of a mile

Route 168 Extending Route 168 Beginning at a point on Route 168 near the 1100 block thence in a general southeasterly direction on the Drinker Turnpike to the Dunmore Borough-Roaring Brook Township line in the borough of Dunmore Lackawanna County a distance of about 1.5 miles

Throop Borough

Route 35067 Extending Route 35067 Beginning at a point on Route 168 Extension at the intersection of Dunmore Street and Sanderson Street thence in a northwesterly direction on Sanderson Street to River Street thence west on River and Beiman Streets to Rebecca Street thence northwest on Rebecca Street to Boulevard Road thence east on Boulevard Road to a point on Route 35067 at the borough line of Dickson City in the borough of Throop Lackawanna County a distance of about 1.5 miles

Taylor Borough

Route 35055 Extending Route 35055 Beginning at the intersection of Main and Route 35055 and Hospital Street in Taylor Borough thence in a northwesterly direction over Hospital Street a distance of approximately 0.5 of a mile

Route 35049 Extending Route 35049 Beginning at a point in North Main Avenue Route 35055 thence northwesterly over Oak Street to the intersection with Route 35049 in Taylor Borough a distance of about 1.8 miles

Lawrence County

Ellwood City Borough

Route 315 Extending Route 315 Beginning at a point on Route 315 at the intersection of Fifth Street and Fountain Avenue thence in a southerly direction on Fifth Street to a point on Route 37011 at the intersection of Fifth Street and Lawrence Avenue in the borough of Ellwood City Lawrence County a distance of about 0.19 of a mile

Route 37076 Extending Route 37076 Beginning at a point on Route 315 at the intersection of Bridge Street and Line Avenue thence in a northerly direction over Bridge Street to a point on Route 37076 at the Ellwood City Borough-

Wayne Township line in the borough of Ellwood City Lawrence County a distance of about 0.52 of a mile

Lehigh County

Emmaus Borough

Route 39114 Extending Route 39114 Beginning at a point on the Upper Milford Township-Emmaus Borough line thence northerly on Second Street to a point on Route 158 at Second and Main Streets in the Borough of Emmaus Lehigh County a distance of about 0.45 of a mile

Luzerne County

Kingston Edwardsville and Larksville Boroughs

Route 40096 Extending Route 40096 Beginning at a point on Route 11 at the intersection of Market Street and Gates Avenue thence in a southwesterly direction on Gates Avenue to West Northampton Street thence northwesterly on West Northampton Street to Main Street thence northwesterly on Main Street to a point on Route 40096 at the intersection of Main Street and Luzerne Avenue in the Boroughs of Kingston Edwardsville and Larksville Luzerne County a distance of about 2.05 miles

Larksville Borough

Route 40085 Extending Route 40085 Beginning at a point on Route 40096 at the intersection of State and Wilson Streets thence in a general northwesterly direction through Larksville Borough to a point on Route 40085 near the Jackson Township line in Luzerne County a distance of about 1.9 miles

Route 40096 Extending Route 40096 Beginning at the intersection of Main Street and Jackson Avenue thence westerly on Jackson Avenue to Wilson Street thence northwesterly on Wilson Street to Route 40096 at the intersection of Wilson Street and Luzerne Avenue in the Borough of Larksville Luzerne County a distance of about 0.6 of a mile

Monroe County

Stroudsburg Borough

Route 166 Extending Route 166 Beginning at a point on Route 166 at the intersection of Main Street and Fifth Street thence in a southerly direction on Fifth and Broad Streets to a point on Route 498 at the intersection of Broad Street and Foxtown Road in the borough of Stroudsburg Monroe County a distance of about 0.53 of a mile

Northampton County

Freemansburg Borough

Route 48011 Extending Route 48011 Beginning at a point on Route 48011 at its intersection with Main Street thence in a southerly direction on Main Street to Washington Street thence in a westerly direction on Washington Street to a point on Route 48011 in the borough of Freemansburg Northampton County a distance of about 1.0 mile

Roseto Borough

Route 48035 Extending Route 48035 Beginning at a point on Route 48035 at Columbus Street thence in a westerly direction on Columbus Street to Garibaldi Street thence in a general northwesterly direction on Garibaldi Street to the Washington Township line in the Borough of Roseto Northampton County a distance of about 0.3 of a mile

Wind Gap Borough

Route 166 Extending Route 166 Beginning at a point on Route 166 at the intersection of Broadway and Male Streets thence in a westerly direction on Male Street to the Plainfield Township line in the borough of Wind Gap Northampton County a distance of about 0.5 of a mile

Perry County

Bloomfield Borough

Route 30 Extending Route 30 Beginning at a point on Route 30 at the intersection of Main and Carlisle Streets thence in a northerly direction on Carlisle Street to the Bloomfield Borough-Center Township line in the borough

of Bloomfield Perry County a distance of about 0.5 of a mile

Duncannon Borough

Route 50053 Extending Route 50053 Beginning at a point on the Penn Township-Duncannon Borough line thence in a southerly direction on the Devonshire Road to a point on Route 195 in the borough of Duncannon Perry County a distance of about 0.5 of a mile

Marysville Borough

Route 50052 Extending Route 50052 Beginning at a point on the Rye Township-Marysville Borough line thence in an easterly direction to Route 30 in the borough of Marysville Perry County a distance of about 0.8 of a mile

Somerset County

Addison Borough

Route 50 Extending Route 50 Beginning at a point on Route 50 thence in a northeasterly direction along a public street to the Addison Township line in the Borough of Addison Somerset County a distance of about 0.3 of a mile

Shanksville Borough

Route 55068 Extending Route 55068 Beginning at a point on Route 55068 at the intersection of North Street and Bridge Street thence in a northerly direction on Bridge Street to the Stony Creek Township line in the Borough of Shanksville Somerset County a distance of about 0.1 of a mile

Stoyestown Borough

Route 52 Extending Route 52 Beginning at a point on Route 52 at Somerset Street thence in a general westerly direction to a point on Route 119 in the Borough of Stoyestown Somerset County a distance of about 0.25 of a mile

Susquehanna County

Montrose Borough

Route 57078 Extending Route 57078 Beginning at a point on Route 57078 at the intersection of Owego Street and Prospect Street thence in an easterly and southerly direction on Prospect Street to intersect Route 57024 in the borough of Montrose Susquehanna County a distance of about 0.5 of a mile

Tioga County

Blossburg Borough

Route 21 Extending Route 21 Beginning on Route 21 spur near the Blossburg State Hospital in Blossburg Borough thence northerly and easterly approximately .3 of a mile to the Covington Township line-east Creek Road

Wellsboro Borough

Route 58042 Extending Route 58042 Beginning on Route 58042 in Wellsboro Borough thence following Buena Vista Street to the Delmar Township line approximately .8 of a mile all in Wellsboro Borough

Venango County

Cooperstown Borough

Route 600 Extending Route 600 Beginning at a point on the Jackson Township-Cooperstown Borough line thence in an easterly direction over Church Street to a point on Route 60038 at the intersection of Church and Main Streets in the Borough of Cooperstown Venango County a distance of about 0.3 of a mile

Westmoreland County

Derry Borough

Route 64071 Extending Route 64071 Beginning at a point on Route 64071 at the intersection of South Chestnut Street and Fourth Avenue thence in a southwesterly direction on Fourth Avenue to the Derry Borough-Derry Township line in the Borough of Derry Westmoreland County a distance of about 0.4 of a mile

Section 2 This act shall become effective on the first day of January one thousand nine hundred and forty-two

On the question,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarge,
Auker,	Gillan,	McClester,	Sarraff,
Baker,	Goodwin,	McDermott,	Scanlon,
Balthaser,	Greenwood,	McDowell,	Schwab,
Baughner,	Gryskewicz,	McFall,	Shaffer,
Bentley,	Gyger,	McGrath,	Shaw,
Bentzel,	Habbyshaw,	McIntosh,	Shepard,
Boles,	Haberlen,	McKinney,	Simons,
Boney,	Haines,	McLanahan,	Skale,
Bower,	Hall,	McLane,	Snyder,
Bradley,	Hamilton,	McMillen,	Sollenberger,
Bretherick,	Harkins,	McSurdy,	Sorg,
Brown,	Harris,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Heatherington,	Mihm,	Stank,
Burns,	Helm,	Modell,	Stine,
Burris,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Iersch,	Moul,	Tate,
Cochran,	Hewitt,	Muir,	Taylor,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, E. F.,
Cook,	Holland,	Nagel,	Thompson, R. L.,
Cooper,	Imbrie,	Nunemacher,	Trout,
Cordier,	James,	O'Brien,	Turner,
Corrigan,	Jefferson,	O'Connor,	Van Allsburg,
Croop,	Jones, G. E.,	O'Dare,	Verona,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vincent,
Dennison,	Keenan,	O'Neill,	Vogt,
DiGenova,	Kenehan,	Owens,	Voldow,
Dix,	Kline,	Petrosky,	Voorhees,
Doion,	Knoble,	Polaski,	Wagner,
D'Ortona,	Kolankiewicz,	Polen,	Watkins,
Duffy,	Komorowski,	Powers,	Weingartner,
Early,	Krise,	Prosen,	Weiss,
Elder,	Lee, T. H.,	Readinger,	Welsh, E. B.,
Elliot,	Lelsey,	Reagan,	Welsh, M. J.,
Ely,	Lesko,	Reese, D. P.,	Wilkinson,
Falkenstein,	Levy,	Reese, R. E.,	Williams,
Finestone,	Leydie,	Regan,	Woodring,
Finnerty,	Lichtenwalter,	Reynolds,	Woodside,
Fiss,	Longo,	Riley,	Wright,
Fleming,	Lovett,	Rooney,	Yeakel,
Fletcher,	Lyons,	Rose, S.,	Yester,
French,	Malloy,	Royer,	Young,
Gallagher,	Marks,	Rush,	Kilroy, Speaker.
Gates,	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1432, as follows:

An Act to further amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public

utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" by changing certain routes and adding certain new routes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following routes established by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 720) entitled "An act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the second class second class A and third class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of certain defined widths of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction or maintenance providing for the assessment of certain portions of the cost of street improvements on abutting property owners regulating the replacement of certain facilities of public utility companies prohibiting the opening of said streets after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act" and the amendments thereto are hereby amended or further amended to read as follows

Beginning at a point on Wopsononock Avenue on the dividing line between the city of Altoona and Logan Township thence southwesterly over Wopsononock Avenue to the intersection of Wopsononock Avenue and Ivyside Drive thence southeasterly over Ivyside Drive to the intersection of Ivyside Drive and Twenty-fifth Avenue thence southwesterly over Twenty-fifth Avenue to the intersection of Twenty-fifth Avenue and Wopsononock Avenue thence southerly over Wopsononock Avenue to the intersection of Wopsononock Avenue and Fourth Street thence southeasterly over Fourth Street to the intersection of Fourth Street and Howard Avenue thence westerly over Howard Avenue to the intersection of Howard Avenue and Eleventh Street thence southerly over Eleventh Street to the intersection of Eleventh Street and Thirteenth Avenue thence westerly over Thirteenth Avenue to the intersection of Thirteenth Avenue and Sixteenth Street thence southerly over Sixteenth Street to the intersection of Sixteenth Street and Twelfth Avenue thence westerly over Twelfth Avenue to the intersection of Twelfth Avenue and Eighteenth Street in the City of Altoona a distance of about [2.74] 2.65 miles

Beginning at a point on Grant Avenue on the dividing line between the borough of Southmont and the City of Johnstown thence northerly on Grant Avenue to [Haynes] Somerset Street thence easterly on [Haynes] Somerset Street to the intersection of [Haynes] Somerset and Napoleon Streets in the City of Johnstown Cambria County a distance of about 0.40 of a mile

Section 2 Section two of said act is hereby further amended by adding thereto the following routes

Beginning at a point at the intersection of South Fourth and Susquehanna Streets (Routes No. 153 and No. 487) thence north on South Fourth Street to Basin Street thence to the intersection of South Front and Union Streets thence north on South Front Street to Hamilton Street thence north on North Front Street to Tilghman Street (Route No. 157) in the City of Allentown a distance of about 2.0 miles

Beginning at a point on Route 07019 at the intersection of Seventh Avenue and Sixth Avenue near Thirty-first Street thence in an easterly direction on Seventh Avenue to Bellwood Avenue thence east on Bellwood Avenue to a point on Route 07027 at the intersection of Bellwood Ave-

nue and Sixth Avenue in the city of Altoona a distance of about 2.56 miles

Beginning at a point on Route 493 at the intersection of Lloyd Street and Sixth Avenue thence northwest on Lloyd Street to Bellwood Avenue in the city of Altoona a distance of about 0.03 of a mile

Beginning at a point on Route 07040 at the intersection of Fourth Avenue and Eighth Street thence southeasterly on Eighth Street to the city line in the city of Altoona a distance of about 0.14 of a mile

Beginning at the intersection of East Otterman Street and Arch Street thence over East Otterman Street to the intersection of East Otterman and East Pittsburg Streets in the City of Greensburg a distance of about 0.1 of a mile

Beginning at the intersection of East Otterman Street and Arch Street thence over Arch Street to the intersection of Arch and East Pittsburg Streets in the city of Greensburg a distance of about 0.07 of a mile

Beginning at the intersection of West Otterman Street and North Main Street thence over West Otterman Street in a general westerly direction to the Hempfield Township-Greensburg City line in the City of Greensburg a distance of about 0.82 of a mile

Beginning at the intersection of Hamilton Avenue and West Newton Street thence over Hamilton Avenue to the intersection of Hamilton Avenue and West Otterman Street in the City of Greensburg a distance of about 0.45 of a mile

Beginning at a point on the line dividing Penn Township and the City of Pittsburgh Allegheny County thence over Allegheny River Boulevard to its intersection with Washington Boulevard in the City of Pittsburgh thence over Washington Boulevard and Fifth Avenue Extension to the intersection of Penn Avenue and Fifth Avenue in the City of Pittsburgh thence over Penn Avenue to its intersection with Dallas Avenue being a distance of three miles more or less

Beginning at a point at the intersection of Ohio Street and East Street in the City of Pittsburgh thence in a general northerly direction over East Street and Evergreen Road to the line dividing the City of Pittsburgh and Ross Township on State Highway Route No. 805 being 3.5 miles more or less in length

Beginning at a point on the line dividing the City of Pittsburgh Baldwin and Mifflin Townships thence in a general northerly direction over Streets Run Road to an intersection with State Highway Route No. 376 in the City of Pittsburgh being one mile more or less in length in the City of Pittsburgh

Beginning at the intersection of Farr Street and North Main Avenue Route 35055 thence over North Main Avenue and Euclid Avenue to Theodore Street thence over Theodore Street to the intersection with Keyser Avenue Route 35013 in the City of Scranton a distance of about 1.5 miles

Beginning at a point on Route 40045 at Scott Street and George Avenue thence northwesterly over George Avenue to a point the intersection of George Avenue and North Washington Street in the City of Wilkes-Barre Luzerne County a distance of about 0.6 of a mile

Beginning at a point on North Washington Street at the diving line between Plains Township and the City of Wilkes-Barre thence southerly over North Washington Street to a point the intersection of North Washington and East Main Streets in the City of Wilkes-Barre Luzerne County a distance of about 0.1 of a mile

Beginning at a point the intersection of North Washington and East Chestnut Streets thence northwesterly over East Chestnut and westerly over West Chestnut Street to a point on Route 5 the intersection of North River and West Chestnut Streets in the City of Wilkes-Barre Luzerne County a distance of about 0.4 of a mile

Beginning at a point on Route 169 at Butler and North Washington Streets thence northeasterly over North Washington Street to the intersection of North Washington and East Main Streets thence southeasterly over East Main Street to a point the intersection of Scott and East Main Streets on Route 40045 in the City of Wilkes-Barre Luzerne County a distance of about 1.9 miles

Section 3 This act shall become effective on the first day of January one thousand nine hundred and forty-two

On the question,
Shall the bill pass finally?
Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarra,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burriss,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.
Cook,	Holland,	Nagel,	Trout,
Cooper,	Imbrle,	Nunmacher,	Turner,
Corrigan,	James,	O'Brien,	VanAllsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dairymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kline,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodring,
Finnerty,	Leydic,	Regan,	Woodside,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy,
Gates,	Marks,	Rush,	
	Maxwell,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1705, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth" by changing certain routes and adding certain new routes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following routes established by the act approved the fifth day of May one thousand nine hundred and twenty-seven (P. L. 787) entitled "An act establishing certain public roads as State highways and providing for their construction and maintenance at the expense of the Commonwealth" are hereby amended to read as follows

Route number six hundred and seventy-seven Beginning at Hulton Improved Road at or near Oakmont Country Club Allegheny County thence in a northeasterly direction to the Logans Ferry Improved Road at or near the Logans

Ferry Railroad Station thence over Logans Ferry Improved Road to the line dividing Allegheny County and Westmoreland County

Route number six hundred and seventy-eight Beginning at Lowrie's Run improved road at or near Mount Nebo Church Allegheny County thence in a northerly direction to Lowrie's Run and Rochester improved road at or near McNeeley's school thence continuing in a northerly direction to Bayne and Wexford improved road at a point near the line dividing Franklin and Marshall Townships thence in an easterly direction over a county road known as the Bayne and Wexford Road to a point on the Bayne and Wexford Road at its intersection with State Highway Route 02133 thence in a general northerly direction over State Highway Route 02133 in Marshall Township to a point at the intersection of State Highway Route 02133 and a county road known as the Warrendale and Bayne Road thence in an easterly direction over a county road known as the Warrendale and Bayne Road to its intersection with State Highway Route 246 in the Village of Warrendale Allegheny County

Section 2 Said act is hereby further amended by adding thereto the following new routes

Route 761 Beginning at a point on Route 652 at the Pittsburgh City-Bellevue Borough line thence along the Ohio River Boulevard through the Boroughs of Bellevue Avalon and Ben Avon to the intersection with the Camp Horne Road in the Borough of Emsworth thence along the Ohio River Boulevard formerly known as the Beaver Road through Emsworth Borough Kibbush Township Glenfield and Haysville Boroughs to the newly constructed Ohio River Boulevard in the Borough of Osborne at the intersection of the Beaver Road thence along the new construction of the Ohio River Boulevard through the Boroughs of Osborne and Sewickley to the intersection with Church Lane in the Borough of Edgeworth thence through Leetsdale Borough to a point on the Allegheny-Beaver County line at the southeastern terminus of Route 641 in Allegheny County a distance of about 11.5 miles

Route 762 Beginning at a point on Route 802 thence along the Cochran Road in a southeasterly direction through Scott and Mt Lebanon Townships to a point on Route 806 beginning again on Route 806 and thence along the Castle Shannon Boulevard in a general southeasterly direction through Mt Lebanon Township and Castle Shannon Borough to a point on Route 247 in Allegheny County a distance of about 3.0 miles

Route 763 Beginning at the intersection of State Highway Route 72 and the Bakerstown and Culmerville Road at or near the Village of Bakerstown Allegheny County thence extending in a general easterly direction over the improved Bakerstown and Culmerville Road and Millers-town and Culmerville Road to its intersection with State Highway Route 388 at the Village of Millerstown Allegheny County

Route 764 Beginning at the line dividing the Borough of Leetsdale in Leet Township in Allegheny County thence in a general northeasterly direction over Big Sewickley Creek Road in Allegheny County and Beaver County thence over State Highway Routes Application 3754 and 3755 to the Warrendale and Bayne Road thence over the Warrendale and Bayne Road to its intersection with State Highway Route 246 in the Village of Warrendale Allegheny County

Route 765 Beginning at the intersection of State Highway Route 76 and the Stoops Ferry and Shousetown Road thence in a general northwesterly direction over the Stoops Ferry and Shousetown Road to the line dividing Allegheny County and Beaver County at State Highway Route Application 4247

Route 766 Beginning at the intersection of State Highway Route 802 and Cochran Road in Allegheny County thence in a general southeasterly direction over Cochran Road to its intersection with State Highway Route 806 in Allegheny County

Route 767 Beginning at the intersection of State Highway Route 806 and Castle Shannon Boulevard thence in a general southeasterly direction over Castle Shannon Boulevard to the line dividing Mt Lebanon Township and

Castle Shannon Borough in the vicinity of State Highway Route 247

Route 768 Beginning at a point on State Highway Route 330 at the Village of Miller's Grove Allegheny County thence in a general northeasterly direction over Streets Run Road to the line dividing Baldwin Township and the City of Pennsylvania

Route 769 Beginning at a point at the intersection of State Highway Route 736 and the New England Road in Allegheny County thence in a general northwesterly direction over the New England Road to an intersection with State Highway Route 02074

Route 770 Beginning at the intersection of State Highway Route 120 and State Highway Route 337 in Allegheny County thence in a general northerly direction over Moss Side Boulevard to the line dividing North Versailles Township and Wall Borough commencing at the line dividing North Versailles Township and Wall Borough thence in a general northeasterly direction over Moss Side Boulevard to its intersection with State Highway Route 639 Allegheny County

Route 771 Beginning at the line dividing Penn Township and Verona Borough thence in a general southerly and westerly direction over Allegheny River Boulevard to the line dividing Penn Township and the City of Pittsburgh Allegheny County

Route 772 Beginning at the line dividing the Borough of Elizabeth and Forward Township in Allegheny County thence over the Elizabeth Road Lock No 3 and Elkhorn Road and Elkhorn and Monongahela Road to the intersection of State Highway Route 181 and State Highway Route 394

Route 773 Beginning at a point in Green Township on Route 483 near the Greene Township-Shippingport Borough line thence in a general southeasterly direction through Greene Township Shippingport Borough and Racoon Township via Morrow and Cain farms Kennedy Coal Miles and the Kennedy farm to a point on Route 04077 at the Moore farm in Beaver County a distance of about 3.0 miles

Route 774 Beginning at the Mt Hope Church on Route 07002 Station 14560 thence in a southerly direction over Township Route 07334 in Greenfield Township Blair County for a distance of 0.6 mile to the county line and thence in Union Township Bedford County for a distance of 1.0 mile to the entrance of the Blue Knob Recreational Park a total distance of 1.6 miles

Route 775 Beginning at a point on Legislative Route 276 in Summerhill Borough Cambria County thence northeasterly a distance of approximately 0.10 mile to the Summerhill Borough-Croyle Township line thence northeasterly through Croyle Township to a point on Legislative Route 11026 1.1 miles southeast of New Germany a distance of 2.3 miles

Route 776 Beginning at a point on Route 54 near Twin Rocks Station thence in a general westerly direction through Jackson Township over a county concrete highway to the Vintondale Borough line thence continuing from the end of the county concrete highway at the Vintondale Borough-Jackson Township line in a general southerly direction through Vintondale Borough to a point on Route 11029 in Cambria County a distance of about 3.0 miles

Route 777 A certain section of public road in the Borough of South Connellsville and Townships of Connellsville and Springfield in the County of Fayette beginning at the intersection of McCormick Avenue in the Borough of South Connellsville with Township Road No 635 on the line between the said borough and the Township of Connellsville thence in a southerly and easterly direction in said township and following said Township Route 635 and passing Casparis School to the line between Connellsville and Springfield Townships a distance of 2.5 miles thence by same in Springfield Township in a southeasterly direction to its intersection with Township Route 806 a distance of about 1.6 miles thence by said Township Route 806 in a southerly direction for about 0.4 miles to its intersection with Township Route 5933 thence in a southeasterly and easterly direction by said Township

Route 593 and passing Hamilton School to its intersection with State Highway Route 366 T H 381 at Mill Run a distance of 4.9 miles making a total distance of 9.4 miles said intersection being about 0.2 miles north of Mill Run School on said State Highway Route 366

Route 778 Beginning at a point on the Clearfield County line about 0.5 of a mile north of its intersection with the dividing line between Jefferson County and Indiana County thence in a general southerly direction through Gaskill and Banks Townships to a point on Route 436 in Jefferson and Indiana Counties a distance of about 0.7 of a mile

Route 779 Beginning at a point on Route 45 near Waterloo thence in a general westerly direction through Lack and Tell Townships to a point on Route 45 Spur in Juniata and Huntingdon Counties a distance of about 1.5 miles

Route 780 Beginning at a point on Route 35013 in Taylor Borough thence northwesterly through Taylor Borough to the Scranton City line thence northwesterly through the City of Scranton to the Scranton City-Ransom Township line thence northwesterly through a section known as Mount Dewey through Ransom and Newton Townships to the intersection with State Highway Route 35013 a distance of about 3.9 miles

Route 781 Beginning at the intersection of State Highway Route 365 Spur and 933 in Clarks Green Borough thence in a northwesterly direction over Arlington Street and Township Road Number 458 through Clarks Green Borough Clarks Summit Borough and Abington Township Lackawanna County to the intersection with State Highway Route 35022 a distance of approximately 1.2 miles

Route 782 Beginning at a point on Application 5 in Clarks Summit Borough thence in a northeasterly direction over Oakford Street and Township Road No 452 through Clarks Summit Borough and Abington Township Lackawanna County to the intersection with Township Road No 458 a distance of approximately 0.9 of a mile

Route 783 Beginning at the intersection with State Highway Route 665 and Township Route 302 in the Borough of Gouldsboro thence in a northeasterly direction of Township Route 302 through Lehigh and Clifton Townships Lackawanna County to the intersection with Route 35045 a distance of approximately 4.5 miles

Route 784 Beginning at the intersection of Legislative Route 35007 and Spencer Road in the Borough of Moscow thence in a northerly direction over Spencer Road to the intersection with Township road No 330 thence in a westerly direction over Township Road No 323 to the intersection with Township Road No 324 thence in a southerly direction over Township Road No 324 through Moscow Borough Roaring Brook and Spring Brook Townships to the intersection with Legislative Route 35009 a distance of approximately 2.4 miles

Route 785 Beginning at a point on State Highway Route 35007 in Moscow Borough thence in a northerly direction over Township Road 330 to the Moscow Borough line thence in a westerly direction over Township Road 323 and Township Road 324 to the intersection with State Highway Route 35009 in Roaring Brook and Spring Brook Townships Lackawanna County a distance of approximately 2.1 miles

Route 786 Beginning at point on Route 555 near Mickley's thence easterly and southerly through Whitehall Township to the bridge over the Lehigh River at the West Borough line of Catasauqua Borough thence over Pine Street to Howertown Road thence in a southerly direction to an intersection with Highway Route 39032 in the Borough of Catasauqua Lehigh County approximately 2.5 miles in length

Route 787 Beginning at a point on Route 46156 at the intersection of Willow Grove Avenue and Cheltenham Avenue thence in a southeasterly direction on Cheltenham Avenue to Route 46124 at the intersection of Oak Lane and Cheltenham Avenue in Montgomery and Philadelphia Counties a distance of about 4.0 miles

Route 788 Beginning at a point on Route 226 near the Tamaqua Borough-Rahn Township line thence in a general easterly direction through Rahn Township to a point

on the Carbon County line in Schuylkill County a distance of about 5.0 miles

Route 789 Beginning at a point on Route 118 in Bentleyville Borough thence northeasterly through Bentleyville Borough to the intersection of the Bentleyville Borough-Fallowfield Township line thence northeasterly through Fallowfield Township to the intersection of Route 62016 near the Gibson Mine of the Hillman Coal Company in Washington County a distance of about 0.92 of a mile

Route 790 Beginning at a point on Route 188 at Longfellow Avenue and Hancock Avenue in the Borough of Vandergrift thence in a general southerly direction on Hancock Avenue and Hancock Avenue Extension through the Borough of Vandergrift Allegheny Township Borough of Oklahoma and Washington Township to a point on Route 69 at Chambers Corner in Westmoreland County a distance of about 2.4 miles

Route 791 Beginning at a point on Route 120 about 0.3 of a mile east of Adamsburg Borough thence in a general westerly direction over the old location of the Lincoln Highway through Hempfield and North Huntingdon Townships and Adamsburg and Irwin Boroughs to a point on Route 120 about 0.1 of a mile west of Application 302 in Westmoreland County a distance of about 4.1 miles

Section 3 The provisions of this act shall become effective January first one thousand nine hundred and forty-two

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarge,
Auker,	Gillan,	McClester,	Sarraf,
Baker,	Goodwin,	McDermott,	Scanlon,
Balthaser,	Greenwood,	McDowell,	Schwab,
Baughner,	Gryskewicz,	McFall,	Shaffer,
Bentley,	Gyger,	McGrath,	Shaw,
Bentzel,	Habbyshaw,	McIntosh,	Shepard,
Boles,	Haberlen,	McKinney,	Simons,
Boney,	Haines,	McLanahan,	Skale,
Bower,	Hall,	McLane,	Snyder,
Bradley,	Hamilton,	McMillen,	Sollenberger,
Bretherick,	Harkins,	McSurdy,	Sorg,
Brown,	Harris,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Heatherington,	Mihm,	Stank,
Burns,	Helm,	Modell,	Stine,
Burriss,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Moul,	Tate,
Cochran,	Hewitt,	Muir,	Taylor,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, E. F.,
Cook,	Holland,	Nagel,	Thompson, R. L.,
Cooper,	Imbrie,	Nunemacher,	Trout,
Cordier,	James,	O'Brien,	Turner,
Corrigan,	Jefferson,	O'Connor,	VanAllsburg,
Croop,	Jones, G. E.,	O'Dare,	Verona,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vincent,
Dennison,	Keenan,	O'Neill,	Vozt,
DiGenova,	Kenehan,	Owens,	Voldow,
Dia,	Kline,	Petrosky,	Voorhees,
Doion,	Knoble,	Polaski,	Wagner,
D'Ortona,	Kolankiewicz,	Polen,	Watkins,
Duffy,	Komorowski,	Powers,	Weingartner,
Early,	Krise,	Prosen,	Weiss,
Elder,	Lee, T. H.,	Readinger,	Welsh, E. B.,
Elliot,	Lelsey,	Reagan,	Welsh, M. J.,
Ely,	Lesko,	Reese, D. P.,	Wilkinson,
Falkenstein,	Levy,	Reese, R. E.,	Williams,
Finestone,	Leydie,	Regan,	Woodring,
Flinnerty,	Lichtenwalter,	Reynolds,	Woodside,
Fiss,	Longo,	Riley,	Wright,
Fleming,	Lovett,	Rooney,	Yeakel,
Fletcher,	Lyons,	Rose, S.,	Yester,
French,	Malloy,	Royer,	Young,
Gallagher,	Marks,	Rush,	Kiroy, Speaker.
Gates,	Maxwell,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Mr. YEAKEL asked and obtained unanimous consent to call up for the purpose of amendment House Bill No. 1604 (Senate Bill No. 352) Printer's No. 330, on page 26 of today's calendar, bills on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1604, (Senate Bill No. 352), as follows:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the fourth and fifth class imposing certain charges on counties and prescribing penalties.

On the question,

Will the House agree to the bill on third reading?

Mr. YEAKEL. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend title, page 1, line 3 of title, by striking out after the word "the" the following: "fourth and"

The SPEAKER. Will the House give unanimous consent to the offering of amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The amendment was agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 1558, Printer's No. 791, House Bill No. 1002, Printer's No. 341 and House Bill No. 990, Printer's No. 275, were passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 847, as follows:

An Act to further amend section three hundred one and to amend section four hundred one of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-seven (P. L. 1053) entitled "An act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contract carriers by motor vehicle and brokers in order to regulate effectively

common carriers by motor vehicle conferring upon the Pennsylvania Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractual relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with the appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations (except municipal corporations) subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the court of common pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act" by further limiting the control and regulation of the commission in respect to rates service and extensions by municipal corporations

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. STOCKHAM. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 727 FROM THE GOVERNOR

Messrs. REAGAN and BOWER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, June 12, 1941.

Resolved (if the Senate concur), that House Bill No. 727, Printer's No. 821, entitled "An act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions," be recalled from the Governor for further consideration.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1709, Printer's

No. 815, and House Bill No. 970, Printer's No. 786, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1390, as follows:

An Act making an appropriation to the Treasury Department out of various funds to pay replacement checks issued in lieu of outstanding checks when presented

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following sums of money are hereby appropriated to the Treasury Department for the payment of replacement checks issued by that department in accordance with the provisions of the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 996)

Out of the General Fund	\$15,000.00
Out of the Motor License Fund	12,000.00
Out of the Federal Unemployment Relief Fund	2,000.00
Out of the Fire Insurance Tax Fund	1,508.63
Out of the Fish Fund	10.60
Out of the Administration Fund	311.85
Out of the Game Fund	385.00
Out of the School Employees' Retirement Fund	300.00
Out of the State Farm Products Show Fund	100.00
Out of the State Employees' Retirement Fund	350.00
Out of the State Work Relief Compensation	61.20
Out of the State Workmen's Insurance Fund	5,000.00
Out of the Federal Social Security Fund ..	15.55
Out of the Liquor License Fund	750.00
Out of the Milk Control Fund	4.75
Out of the State Forests and Waters Fund ..	8.00
Out of the State Stores Fund	650.00
Out of the Veterans' Compensation Fund ..	3,970.00

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarge,
Auker,	Gillan,	McClester,	Sarra,
Baker,	Goodwin,	McDermott,	Scanlon,
Balthaser,	Greenwood,	McDowell,	Schwab,
Baughner,	Gryskewicz,	McFall,	Shaffer,
Bentley,	Gyger,	McGrath,	Shaw,
Bentzel,	Rabbyshaw,	McIntosh,	Shepard,
Boles,	Haberlen,	McKinney,	Simons,
Boney,	Haines,	McLanahan,	Skale,
Bower,	Hall,	McLane,	Snyder,
Bradley,	Hamilton,	McMillen,	Sollenberger,
Brotherick,	Harkins,	McSurdy,	Sorg,
Brown,	Heatherington,	Meichiorre,	Stambaugh,
Brunner, P. A.,	Helm,	Mihm,	Stank,
Burns,	Hering,	Modell,	Stine,
Burris,	Herman,	Mooney,	Stockham,
Chervenak,	Hersch,	Moran,	Tarr,
Chudoff,	Hewitt,	Moul,	Tate,
Cochran,	Hirsch,	Muir,	Taylor,
Cohen, M. M.,	Holland,	Munley,	Thompson, E. F.,
Cook,	Imbrie,	Nagel,	Thompson, R. L.,
Cooper,	James,	Nunemacher,	Trout,
Cordier,	Jefferson,	O'Brien,	Turner,
Corrigan,	Jones, G. E.,	O'Connor,	VanAllsburg,
Croop,	Jones, P. N.,	O'Dare,	Verona,
Dairymple,	Keenan,	O'Mullen,	Vincent,
Dennison,	Kenehan,	O'Neill,	Vogt,
DiGenova,	Kilne,	Owens,	Voldow,
Dix,	Knoble,	Petrosky,	Voorhees,
Dolon,	Koankiewicz,	Polaski,	Wagner,

D'Ortona,	Komorofski,	Polen,	Watkins,
Duffy,	Krise,	Powers,	Weingartner,
Early,	Lee, T. H.,	Frosen,	Weiss,
Elder,	Lelsey,	Readinger,	Welsh, E. B.,
Elliott,	Lesko,	Reagan,	Welsh, M. J.,
Ely,	Lery,	Reese, D. P.,	Wilkinson,
Falkenstein,	Leydic,	Reese, R. E.,	Williams,
Finestone,	Lichtenwalter,	Regan,	Woodring,
Finnerty,	Longo,	Reynolds,	Woodside,
Fiss,	Lovett,	Riley,	Wright,
Fleming,	Lyons,	Rooney,	Yeakel,
Fletcher,	Malloy,	Rose, S.,	Yester,
French,	Marks,	Royer,	Young,
Gallagher,	Maxwell,	Rush,	Kilroy, Speaker.
Gates,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1511, as follows:

An Act making an appropriation for the expenses of the Committee of the House of Representatives created by House Resolution Serial Number thirty-five adopted the twenty-fourth day of February one thousand nine hundred and forty-one

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of five thousand dollars (\$5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Committee created by House Resolution Serial Number thirty-five and authorized thereby to make a thorough and impartial study of the housing situation in the City of Philadelphia for the payment of the expenses of such investigation by the Committee including the cost of witnesses stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the Committee in connection with the conduct of its work

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClester,	Scanlon,
Auker,	Gillan,	McDermott,	Schwab,
Baker,	Goodwin,	McDowell,	Serrill,
Balthaser,	Greenwood,	McFall,	Shaffer,
Baughner,	Gryskewicz,	McGrath,	Shaw,
Bentley,	Gyger,	McKinney,	Shepard,
Bentzel,	Habbyshaw,	McLanahan,	Simons,
Boles,	Haberlen,	McLane,	Skale,
Boney,	Haines,	McMillen,	Snyder,
Bower,	Hall,	McSurdy,	Sollenberger,
Bradley,	Hamilton,	Melchiorre,	Sorg,
Bretherick,	Harkins,	Mihm,	Stambaugh,
Brown,	Harris,	Modell,	Stank,
Brunner, P. A.,	Heatherington,	Mooney,	Stine,
Burns,	Helm,	Moran,	Stockham,
Burris,	Hering,	Moul,	Tarr,
Chervenak,	Herman,	Muir,	Tate,
Chudoff,	Hersch,	Munley,	Taylor,
Cochran,	Hewitt,	Nagel,	Thompson, E.,
Cohen, M. M.,	Hirsch,	Nunemacher,	Thompson, R.,
Cook,	Holland,	O'Brien,	Trout,
Cooper,	Imbrie,	O'Connor,	Turner,
Cordier,	James,	O'Dare,	Van Allsburg,
Corrigan,	Jefferson,	O'Mullen,	Verona,
Croop,	Jones, G. E.,	O'Neill,	Vincent,
Dairvmbale	Jones, P. N.,	Owens,	Vogt,

Dennison,	Keenan,	Petrosky,	Voldow,
Digenova,	Kenehad,	Polaski,	Voorhees,
Dix,	Kilne,	Polen,	Wagner,
Dolon,	Knoble,	Powers,	Watkins,
D'Ortona,	Kolankiewicz,	Frosen,	Weingartner,
Duffy,	Komorofski,	Readinger,	Weiss,
Early,	Krise,	Reagan,	Welsh, E. B.,
Elder,	Lesko,	Reese, D. P.,	Welsh, M. J.,
Elliott,	Lery,	Reese, R. E.,	Wilkinson,
Ely,	Leydic,	Regan,	Williams,
Falkenstein,	Lichtenwalter,	Reynolds,	Woodring,
Finestone,	Longo,	Riley,	Woodside,
Finnerty,	Lovett,	Rooney,	Wright,
Fiss,	Lyons,	Rose, S.,	Yeakel,
Fleming,	Malloy,	Royer,	Yester,
Fletcher,	Marks,	Rush,	Young,
French,	Maxwell,	Sarge,	Kilroy,
Gallagher,	McClanaghan,	Sarraf,	Speaker.
Gates,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1425, as follows:

An Act authorizing the appointment of a commission to make a thorough study of the laws relating to crime and criminal procedure in this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings and recommendations to the General Assembly and authorizing the commission to employ counsel and employees and making an appropriation

Whereas The laws of this Commonwealth relating to crime and criminal procedure have been persistently subject to lay and judicial criticism and

Whereas Notwithstanding recent enactments there are still many outmoded and obsolete criminal laws on our statute books and

Whereas Criminal procedure in many instances is outmoded and inadequate and is variously applied and interpreted in the counties of this Commonwealth and

Whereas The essentials of our civilization which daily affect the welfare and well being of the citizens of this Commonwealth require modern laws relating to crime and criminal procedure and

Whereas The General Assembly of the Commonwealth of Pennsylvania is invested with the full legislative power of the Commonwealth under and by virtue of Article II section 1 of the Constitution of Pennsylvania and thereunder has ample authority to obtain knowledge of facts and information needful in the rightful and intelligent exercise of the legislative power and

Whereas The General Assembly is desirous of obtaining all proper information and knowledge of facts with respect to all laws relating to crime and criminal procedure within the Commonwealth and in comparison to similar laws in other jurisdictions in order to predicate any possible future legislation and

Whereas It is the desire and purpose of the General Assembly to create a commission which shall procure such facts and information for and on behalf of the General Assembly and report thereon with recommendations if any now therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission to consist of sixteen competent members which shall be known as the Criminal Law and Procedure Commission which shall exist and function as an agency of the General Assembly for the purpose of making a careful impartial and thorough investigation into the operation of the laws relating to crime and criminal procedure within the Commonwealth to compare such laws with similar laws

in other jurisdictions and to make a report of its findings and recommendations

Section 2 The Commission shall consist of sixteen members Three shall be members of the House of Representatives at the time of their appointment and shall be appointed by the Speaker of the House of Representatives Three shall be members of the Senate at the time of their appointment and shall be appointed by the President pro tempore of the Senate The other ten members shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate acting jointly Of the ten so appointed five shall be representatives of five different law schools in the Commonwealth three shall be judges learned in the law one shall be a representative of the Pennsylvania Bar Association and one shall be a representative of the Pennsylvania District Attorney's Association The members of said commission are hereby constituted agents and deputies of the General Assembly of the Commonwealth of Pennsylvania for the purposes herein stated At its organization meeting the members of the commission shall elect a chairman

Section 3 The said commission acting for and on behalf of the General Assembly shall serve without compensation but shall be entitled to the actual reasonable expenses incurred in attending the affairs and carrying out the duties prescribed by this act and shall make a careful thorough and impartial study into the laws relating to crime and criminal procedure in the Commonwealth and to compare such laws with similar laws in other jurisdictions The said commission shall have power to make any inquiry investigation or study which it deems essential for the purpose of making report thereof to the General Assembly as herein provided

Section 4 The said commission acting for and on behalf of the General Assembly shall have power to meet hold hearings and make its investigations whether or not the General Assembly is in special or regular session or is in adjournment The commission shall ascertain and report to the General Assembly as soon as possible its findings with respect to the operation of the laws relating to crime and criminal procedure within the Commonwealth and as compared to similar laws in other jurisdictions and its recommendations if any as to any legislation which may be needed

Section 5 The commission shall have power to issue subpoenas and subpoenas duces tecum under the hand and seal of its chairman requesting and commanding any proper person corporation partnership or association to appear before it and to answer such questions touching matters with respect to the laws relating to crime and criminal procedure in the Commonwealth inquired into by the commission for and on behalf of the General Assembly and to procure such books papers records and documents as the commission may deem necessary Such subpoenas or subpoenas duces tecum may be served upon any proper person corporation partnership or association and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth or by the General Assembly itself Each member of the commission shall have the power to administer oaths and affirmations to witnesses appearing before the commission

Section 6 The said commission may employ and fix the compensation of such counsel experts clerks and assistants as may be deemed necessary for the proper conduct of the work of the commission

Section 7 The sum of thirty-five thousand dollars (\$35,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of the members and for the payment of the compensation and expenses of counsel experts clerks and assistants of the commission for postage telegraph and telephone charges for the use of automobiles for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 8 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarrafi,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
Digenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kilne,	Petrosky,	Wagner,
D'Ortona,	Kncble,	Polaski,	Wakins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodring,
Finnerty,	Leydie,	Regan,	Woodside,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Ros. S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1665, as follows:

An Act to amend section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" by providing that said section shall not apply to certain games or devices where free plays are given or allowed and providing that such free plays shall not be considered things of value

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section six hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" is hereby amended to read as follows

Section 605 Establishing Gambling Places Whoever sets up or establishes or causes to be set up or established any game or device of address or hazard at which money or other valuable thing may or shall be played for or staked or betted upon or procures permits suffers and allows persons to collect and assemble for the purpose of playing at and staking or betting upon such game or device or address or hazard for money or other valuable thing or whoever being the owner tenant lessee or occupant of any premises leases hires or rents the same or any part thereof to be used and occupied or employed for the purpose of playing at or staking and betting upon such game or device of address or hazard for money or other valuable thing is guilty of a misdemeanor and on conviction shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding one (1) year or both

The owner of such premises who shall have knowledge that any such game or device of address or hazard has been set up in or upon the said premises shall not forthwith cause complaint to be made against the person who has set up or established the same shall be deemed to have knowingly leased hired or rented the said premises for the said purposes

This section shall not be construed to apply to games of recreation and exercise such as billiards bagatelle ten pins etc where no betting is allowed

This section shall not be construed to apply to any games or devices where free plays are given or allowed and free plays shall not be considered valuable things provided no prizes rewards premiums or something of intrinsic value is given for such free plays

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarra,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gzyer,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Brotherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mcconey,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kilne,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Wells,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. F.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodring,
	Leydie,	Regan,	Woodside,

Finnerty,
Fiss,
Fleming,
Fletcher,
French,
Gallagher,

Lichtenwalter,
Longo,
Lyons,
Lovett,
Malloy,
Marks,

Reynolds,
Riley,
Rooney,
Rose, S.,
Royer,
Rush,

Wright,
Yeakel,
Yester,
Young,
Kilroy,
Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1263, as follows:

An Act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions Where appearing in this act the term "governor" includes any person performing the functions of governor by authority of the law of this State The term "executive authority" includes the governor and any person performing the functions of governor in a state other than this State The term "state" referring to a state other than this State includes any other state or territory organized or unorganized of the United States of America

Section 2 Fugitives from Justice Duty of Governor Subject to the provisions of this act the provisions of the Constitution of the United States controlling and any and all acts of Congress enacted in pursuance thereof it is the duty of the governor of this State to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason felony or other crime who has fled from justice and is found in this State

Section 3 Form of Demand No Demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging except in cases arising under section 6 that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled from the state and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime or by a copy of an affidavit made before a magistrate there together with a copy of any warrant which was issued thereupon or by a copy of a judgment of conviction or of a sentence imposed in execution thereof together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail probation or parole The indictment information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state and the copy of indictment information affidavit judgment of conviction or sentence must be authenticated by the executive authority making the demand

Section 4 Governor May Investigate Case When a demand shall be made upon the governor of this State by the executive authority of another state for the surrender of a person so charged with crime the governor may call upon the Attorney General or any prosecuting officer in this State to investigate or assist in investigating the demand and to report to him the situation and circumstances of the person so demanded and whether he ought to be surrendered

Section 5 Extradition of Persons Imprisoned or Awaiting Trial in Another State or Who have left the Demanding State Under Compulsion When it is desired to have returned to this State a person charged in this State with a crime and such person is imprisoned or is held under

criminal proceedings then pending against him in another state the governor of this State may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state upon condition that such person be returned to such other state at the expense of this State as soon as the prosecution in this State is terminated

The governor of this State may also surrender on demand of the executive authority of any other state any person in this State who is charged in the manner provided in section 23 of this act with having violated the laws of the state whose executive authority is making the demand even though such person left the demanding state involuntarily

Section 6 Extradition of Persons not Present in Demanding State at Time of Commission of Crime The governor of this State may also surrender on demand of the executive authority of any other state any person in this State charged in such other state in the manner provided in section 3 with committing an act in this State or in a third state intentionally resulting in a crime in the state whose executive authority is making the demand and the provisions of this act not otherwise inconsistent shall apply to such cases even though the accused was not in that state at the time of the commission of the crime and has not fled therefrom

Section 7 Issue of Governor's Warrant of Arrest its Recitals If the governor decides that the demand should be complied with he shall sign a warrant of arrest which shall be sealed with the State seal and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof The warrant must substantially recite the facts necessary to the validity of its issuance

Section 8 Manner and Place of Execution Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the State and to command the aid of all peace officers or other persons in the execution of the warrant and to deliver the accused subject to the provisions of this act to the duly authorized agent of the demanding state

Section 9 Authority of Arresting Officer Every such peace officer or other person empowered to make the arrest shall have the same authority in arresting the accused to command assistance therein as peace officers have by law in the execution of any criminal process directed to them with like penalties against those who refuse their assistance

Section 10 Rights of Accused Person Application for Writ of Habeas Corpus No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this State who shall inform him of the demand made for his surrender and of the crime with which he is charged and that he has the right to demand and procure legal counsel and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus When such writ is applied for notice thereof and of the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody and to the said agent of the demanding state

Section 11 Penalty for Noncompliance with Preceding Section Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant in willful disobedience to the last section shall be guilty of a misdemeanor and on conviction shall be fined not more than \$1,000.00 or be imprisoned not more than six months or both

Section 12 Confinement in Jail When Necessary The officer or persons executing the governor's warrant of arrest or the agent of the demanding state to whom the

prisoner may have been delivered may when necessary confine the prisoner in the jail of any county or city or borough through which he may pass and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route such officer or person being chargeable with the expense of keeping

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state or to whom a prisoner may have been delivered after waiving extradition in such other state and who is passing through this State with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may when necessary confine the prisoner in the jail of any county or city or borough through which he may pass and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route such officer or agent however being chargeable with the expense of keeping Provided however That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state Such prisoner shall not be entitled to demand a new requisition while in this State

Section 13 Arrest Prior to Requisition Whenever any person within this State shall be charged on the oath of any credible person before any judge or magistrate of this State with the commission of any crime in any other state and except in cases arising under section 6 with having fled from justice or with having been convicted of a crime in that state and having escaped from confinement or having broken the terms of his bail probation or parole or whenever complaint shall have been made before any judge or magistrate in this State setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime and except in cases arising under section 6 has fled from justice or with having been convicted of a crime in that state and having escaped from confinement or having broken the terms of his bail probation or parole and is believed to be in this State the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein wherever he may be found in this State and to bring him before the same or any other judge magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made to answer the charge or complaint and affidavit and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant

Section 14 Arrest Without a Warrant The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in the preceding section and thereafter his answer shall be heard as if he had been arrested on a warrant

Section 15 Commitment to Await Requisition Bail If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and except in cases arising under section 6 that he has fled from justice the judge or magistrate must by a warrant reciting the accusation commit him to the county jail for such a time not exceeding thirty days and specified in the warrant as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of

the offense unless the accused give bail as provided in the next section or until he shall be legally discharged.

Section 16 Bail in What Cases Conditions of Bond Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed a judge or magistrate in this State may admit the person arrested to bail by bond with sufficient sureties and in such sum as he deems proper conditioned for his appearance before him at a time specified in such bond and for his surrender to be arrested upon the warrant of the governor of this State.

Section 17 Extension of Time of Commitment Adjournment If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond a judge or magistrate may discharge him or may recommit him for a further period not to exceed sixty days or a judge or magistrate may again take bail for his appearance and surrender as provided in section 16 but within a period not to exceed sixty days after the date of such new bond.

Section 18 Forfeiture of Bail If the prisoner is admitted to bail and fails to appear and surrender himself according to the conditions of his bond the judge or magistrate by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he be within this State Recovery may be had on such bond in the name of the State as in the case of other bonds given by the accused in criminal proceedings within this State.

Section 19 Persons under Criminal Prosecution in this State at Time of Requisition If a criminal prosecution has been instituted against such person under the laws of this State and is still pending the governor in his discretion either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this State.

Section 20 Guilt or Innocence of Accused When Inquired Into The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as above provided shall have been presented to the governor except as it may be involved in identifying the person held as the person charged with the crime.

Section 21 Governor may Recall Warrant or Issue Alias The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Section 22 Fugitives from This State Duty of Governor Whenever the governor of this State shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail probation or parole in this State from the executive authority of any other state or from the chief justice or an associate justice of the supreme court of the District of Columbia authorized to receive such demand under the laws of the United States he shall issue a warrant under the seal of this State to some agent commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed.

Section 23 Application for Issuance of Requisition by Whom Made Contents I When the return to this State of a person charged with crime in this State is required the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged in which application shall be stated the name of the person so charged the crime charged against him the approximate time place and circumstances of its commission the state in which he is believed to be including the location of the accused therein at the time the application is made and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

II When the return to this State is required of a person who has been convicted of a crime in this State and has escaped from confinement or broken the terms of his bail probation or parole the prosecuting attorney of the county in which the offense was committed the parole board or the warden of the institution or sheriff of the county from which escape was made shall present to the governor a written application for a requisition for the return of such person in which application shall be stated the name of the person the crime of which he was convicted the circumstances of his escape from confinement or of the breach of the terms of his bail probation or parole the state in which he is believed to be including the location of the person therein at the time application is made.

III The application shall be verified by affidavit shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned or information and affidavit filed or of the complaint made to the judge or magistrate stating the offense with which the accused is charged or of the judgment of conviction or of the sentence. The prosecuting officer parole board warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the governor indicated by endorsement thereon and one of the certified copies of the indictment complaint information and affidavits or of the judgment of conviction or of the sentence shall be filed in the office of the Secretary of the Commonwealth to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

Section 24 Costs and Expenses All costs and expenses shall be paid out of the county treasury in the county wherein the crime is alleged to have been committed.

Section 25 Immunity from Service of Process in Certain Civil Actions A person brought into this State by or after waiver of extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings to answer which he is being or has been returned until he has been convicted in the criminal proceeding or if acquitted until he has had reasonable opportunity to return to the state from which he was extradited.

Section 26 Written Waiver of Extradition Proceedings Any person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement or broken the terms of his bail probation or parole may waive the issuance and service of the warrant provided for in sections 7 and 8 and all other procedure incidental to extradition proceedings by executing or subscribing in the presence of a judge of any court of record within this State a writing which states that he consents to return to the demanding state. Provided however That before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided in section 12.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this State and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state and shall deliver or cause to be delivered to such agent or agents a copy of such consent. Provided however that nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers rights or duties of the officers of the demanding state or of this State.

Section 27 Non-waiver by this State Nothing in this act contained shall be deemed to constitute a waiver by

this State of its right power or privilege to try such demanded person for crime committed within this State or of its right power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial sentence or punishment for any crime committed within this State nor shall any proceedings had under this act which result in or fail to result in extradition be deemed a waiver by this State of any of its rights privileges or jurisdiction in any way whatsoever

Section 28 No Right of Asylum No Immunity from Other Criminal Prosecutions While in This State After a person has been brought back to this State by or after waiver of extradition proceedings he may be tried in this State for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition

Section 29 Interpretation The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it

Section 30 Constitutionality If any provision of this act or the application thereof to any person or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared to be severable

Section 31 Repeal All acts and parts of acts inconsistent with the provisions of this act are hereby repealed and the following acts are hereby expressly repealed

The act approved the twenty-first day of April one thousand nine hundred twenty-seven (P. L. 327) entitled "An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto"

The act approved the third day of May one thousand nine hundred thirty-three (P. L. 249), entitled "An act to amend section two of an act approved the twenty-first day of April one thousand nine hundred twenty-seven (P. L. 327) entitled 'An act relating to the extradition of persons charged with crime and to make uniform the law with reference thereto' by giving the Governor of this State authority to deliver up certain imprisoned persons for the purpose of trial for murder in the demanding State under certain conditions"

Section 32 Short Title This act may be cited as the Uniform Criminal Extradition Act

Section 33 This act shall take effect immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarge,
Auker,	Gillan,	McClester,	Sarrafi,
Baker,	Goodwin,	McDermott,	Scanlon,
Balthaser,	Greenwood,	McDowell,	Schwab,
Baughner,	Gryskewicz,	McFall,	Shaffer,
Bentley,	Gyger,	McGrath,	Shaw,
Bentzel,	Habbyshaw,	McIntosh,	Shepard,
Boles,	Haberlen,	McKinney,	Simons,
Boney,	Haines,	McLanahan,	Skale,
Bower,	Hall,	McLane,	Snyder,
Bradley,	Hamilton,	McMillen,	Sollenberger,
Bretherick,	Harkins,	McSurdy,	Sorg,
Brown,	Harris,	Melchiorre,	Stambaugh,
Brunner, P. A.	Heatherington,	Mihm,	Stank,
Burns,	Helm,	Modell,	Stine,
Burris,	Hering,	Mooney,	Stockham,
Chervanak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Moul,	Tate,
Cochran,	Hewitt,	Muir,	Taylor,
Cohen, M. M.,	Hirsch,	Munley	Thompson, E. F.,

Cook,	Holland,	Nagel	Thompson, R. L.,
Cooper,	Imbrie,	Nunemacher	Trout,
Cordier,	James,	O'Brien,	Turner,
Corrigan,	Jefferson,	O'Connor,	VanAllsburg,
Croop,	Jones, G. E.,	O'Dare,	Verona,
Dairymple,	Jones, P. N.,	O'Mullen,	Vincent,
Dennison,	Keenan,	O'Neill,	Vogt,
DiGenova,	Kenehan,	Owens,	Voldow,
Dix,	Kilne,	Petrosky,	Voorhees,
Dolan,	Knoble,	Polaski,	Wagner,
D'Ortona,	Kolankiewicz,	Polen,	Watkins,
Duffy,	Komorofski,	Powers,	Weingartner,
Early,	Krise,	Prosen,	Weiss,
Elder,	Lee, T. H.,	Readinger,	Welsh, E. B.,
Elliott,	Lelsey,	Reagan,	Welsh, M. J.,
Ely,	Lesko,	Reese, D. P.,	Wilkinson,
Falkenstein,	Levy,	Reese, R. E.,	Williams,
Finestone,	Leydic,	Regan,	Woodring,
Finnerty,	Lichtenwalter,	Reynolds,	Woodside,
Fliss,	Longo,	Riley,	Wright,
Fleming,	Lyons,	Rooney,	Yeakel,
Fletcher,	Lovett,	Rose, S.,	Yester,
French,	Maxwell,	Royer,	Young,
Gallagher,	Malloy,	Rush,	Kilroy, Speaker.
Gates,	Marks,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1748, as follows:

An Act to further amend section two of the act approved the first day of May one thousand nine hundred seven (P. L. 135) entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners masters and special masters in chancery referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the fact reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties to such proceedings and repealing an act entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissioners and auditors authorizing the appointment of assistant stenographers repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May fifteenth one thousand eight hundred and seventy-four repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May eighth one thousand eight hundred and seventy-six and repealing "An act defining the duty of court stenographers in the several counties in this State" approved June tenth one thousand eight hundred and eighty-one" approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven" by further prescribing regulations for the furnishing of copies of testimony

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section two of the act approved the first day of May one thousand nine hundred seven (P. L. 135)

entitled "An act relating to the appointment of stenographers and assistant stenographers to report proceedings in the several courts of common pleas and orphans' courts courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace of this Commonwealth as well as before commissioners masters and special masters in chancery referees examiners auditors and other officers prescribing their powers and duties and when such reports shall be evidence of the facts reported prescribing their compensation and allowances for expenses when the same shall be paid by the county wherein such stenographers or assistant stenographers are employed and when by the parties to such proceedings and repealing an act entitled 'An act directing the appointment of official stenographers in the several civil courts of this Commonwealth authorizing the appointment of stenographers by examiners masters referees commissioners and auditors authorizing the appointment of assistant stenographers repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May fifteenth one thousand eight hundred and seventy-four repealing "An act to authorize the appointment of stenographers in the several courts of this Commonwealth prescribing their duties and fixing their compensation" approved May eighth one thousand eight hundred and seventy-six and repealing "An act defining the duty of court stenographers in the several counties in this State" approved June tenth one thousand eight hundred and eighty-one' approved the twenty-fourth day of May one thousand eight hundred and eighty-seven but such repeal not to revive any law repealed by the said act of twenty-fourth of May one thousand eight hundred and eighty-seven" as amended by the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 161) is hereby further amended to read as follows

Section 2 The law judges of each of the several courts of oyer and terminer and general jail delivery and of the courts of quarter sessions of the peace shall employ the official stenographer or stenographers of the courts of common pleas of the particular county to report the proceedings of the said court whenever requested so to do by any defendant or defendants or his her or their counsel before or during the trial of any case in any of said courts Provided further That in all cases tried in the several courts of oyer and terminer [and] general jail delivery and courts of quarter sessions of the peace the defendant or defendants shall be furnished with a copy of the notes of testimony taken at his her or their request which said notes shall be paid for by the county in which said case is tried

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Marks,	Sarge,
Auker,	Gerard,	Maxwell,	Sarraff,
Baker,	Gillan,	McClanaghan,	Scanlon,
Balthaser,	Gillette,	McClester,	Schwab,
Baughner,	Goodwin,	McDermott,	Shaffer,
Bentley,	Greenwood,	McDowell,	Shaw,
Bentzel,	Gryskewicz,	McFall,	Shepard,
Boles,	Cyger,	McGrath,	Simons,
Boney,	Habbyschaw,	McIntosh,	Skale,
Bower,	Haberlen,	McKinney,	Snyder,
Bradley,	Haines,	McLanahan,	Sollenberger,
Bretherick,	Hall,	McLane,	Sorg,
Brown,	Hamilton,	McMillen,	Stambaugh,
Branner, P. A.,	Harkins,	McSurdy,	Stank,
Burns,	Harris,	Melchiorre,	St'ne
Burris,	Heatherington,	Mihm,	Stockham,
Chervenak,	Helm,	Modell,	Tarr,
Chudoff,	Hering,	Mooney,	Tate,
Cochran,	Herman,	Moran,	Taylor,
Cohen, M. M.,	Hersch,	Moul,	Thompson, E. F.

Cohen, R. E.,	Hewitt,	Mutr,	Thompson, R. L.
Cook,	Hirsch,	Munley	Trout,
Cooper,	Holland,	Nagel	Turner,
Cordier,	Imbrie,	Nunemacher	VanAllsburg,
Corrigan,	James,	O'Brien,	Verona,
Croop,	Jefferson,	O'Connor,	Vincent,
Dalrymple,	Jones, G. E.,	O'Dare,	Vogt,
Dennison,	Jones, P. N.,	O'Mullen,	Voldow,
DiGenova,	Keenan,	O'Neill,	Voorhees,
Dix,	Kenehan,	Owens,	Wagner,
Dolon,	Kline,	Petrosky,	Watkins,
D'Ortona,	Knoble,	Polaski,	Weingartner,
Duffy,	Kolankiewicz,	Polen,	Welss,
Early,	Komorowski,	Powers,	Welsh, E. B.,
Elder,	Krise,	Prosen,	Welsh, M. J.,
Elllott,	Lee, T. H.,	Readinger,	Wilkinson,
Ely,	Lelsey,	Reagan,	Williams,
Falkenstein,	Leonard,	Reese, D. P.,	Woodring,
Finestone,	Lesko,	Reese, R. E.,	Woodside,
Finnerty,	Levy,	Regan,	Wright,
Floss,	Leydic,	Reynolds,	Yeakel,
Fleming,	Lichtenwalter,	Riley,	Yester,
Fletcher,	Longo,	Rooney,	Young,
French,	Lovett,	Rose, S.,	Kilroy,
Gallagher,	Lyons,	Royer,	Speaker.
	Malloy,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1621, as follows:

An Act to add section forty-three to the act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" authorizing compromise of tax claims in cases where there is a dispute as to the domicile of the decedent

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the twentieth day of June one thousand nine hundred and nineteen (P. L. 521) entitled "An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal" is hereby amended by adding immediately after section forty-two thereof a new section to read as follows

Section 43 Where the Department of Revenue claims that a decedent was domiciled in this State at the time of his death and the taxing authorities of another state or states make a similar claim with respect to their state or states the department may enter into a written agreement with such taxing officials and with the personal representatives that a certain sum shall be accepted in full payment of the tax imposed by this act and the supple-

ment thereto Provided That said agreement also fixes the amount to be paid to such other state or states in full payment of the death taxes thereof Full power and authority is hereby conferred upon the personal representatives to enter into the agreement provided for herein Such agreement shall finally and conclusively fix and determine the amount of tax imposed by this act and the supplement thereto without regard to any other provision of the laws of this State In the event the aggregate amount payable under such agreement to the states involved is less than the maximum credit allowable to the estate against the United States estate tax imposed with respect thereto the personal representatives forthwith shall also pay to the department so much of the digerence between such aggregate amount and the amount of such credit as the amount payable to the department under the agreement bears to such aggregate amount

Section 2 The provisions of this act shall become effective immediately upon final enactment and shall apply to estates of decedents dying before or after the enactment of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarraf,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baugher,	Gryskewicz,	McFall,	Shaw,
Bentley,	Cyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boies,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burris,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Turner,
Cooper,	Imbrie,	Nunemacher,	Trout,
Cordier,	James,	O'Brien,	VanAllsburg,
Corrigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
DiGenova,	Kenahan,	Owens,	Voorhees,
Dix,	Kline,	Petrosky,	Wagner,
Dolon,	Knoble,	Folaski,	Watkins,
D'Ortona,	Kolankiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Weiss,
Early,	Krise,	Prosen,	Welsh, E. B.,
Elder,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Elliott,	Lelsey,	Reagan,	Wilkinson,
Ely,	Lesko,	Reese, D. P.,	Williams,
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestane,	Leydic,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy,
Gallagher,	Marks,	Rush,	Speaker.
Gates,	Maxwell,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1760, as follows:

An Act creating a commission to make a study and investigation of the various problems related to the surface subsidence frequently caused by the mining of anthracite coal directing such commission to make a report and recommendations to the General Assembly including the power to issue subpoenas administer oaths and affirmations retain employes and expend funds and making an appropriation

Whereas For a long period of years the mining of coal in the anthracite regions of the Commonwealth has been the cause of widespread surface subsidence in many localities and

Whereas Such surface subsidence has from time to time injured or damaged private dwellings public buildings highways public utility facilities and otherwise endangered human life and prejudicially affected the general public health and welfare and

Whereas The General Assembly has several times adopted legislation designed to alleviate or abolish such conditions only to have such legislation prove ineffective or to find it declared unconstitutional and

Whereas The conditions resulting from such surface subsidence are so serious and of such general public concern as to demand effective and prompt relief therefore

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 There is hereby created a commission which shall be composed of five members of the Senate to be appointed by the President Pro Tempore thereof and five members of the House of Representatives to be appointed by the Speaker thereof to be known as the

It shall be the duty of such commission

(1) To investigate the problem of surface subsidence in the anthracite coal area with respect to its effect on property and human life

(2) To engage in any research necessary to discover effective remedies for the anthracite mine cave problem

(3) To study decisions of the State and Federal courts relating to the constitutionality and effect of earlier legislation relating to surface subsidence caused by mining and

(4) To make recommendations as to legislation which might be enacted by the General Assembly for the effective regulation and control of anthracite mining and surface subsidence

The commission shall make its report to the General Assembly not later than the first day of February one thousand nine hundred and forty-three

Section 2 The persons appointed as members of said commission shall meet immediately after appointment and select one of their members to act as chairman of the commission The commission may employ and fix the compensation of a secretary and such counsel engineers experts clerks stenographers and investigators as they deem necessary to perform the duties imposed by this act The members of the commission shall receive no compensation for their services but shall be reimbursed for living and traveling expenses necessarily incurred in the performance of their duties

Section 3 The said commission shall have power to issue subpoenas under the hand of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the commission and to produce such books papers records and documents as the commission may deem necessary Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth Each member of said commission shall have power to administer oaths and affirmations to witnesses appearing before the commission Any person who shall wilfully neglect or refuse to testify before said commission or to produce any books papers records or

documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases

Section 4 The sum of ten thousand dollars (\$10,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission for the payment of the expenses of its members in connection with the work required hereby and for the payment of the compensation and expenses of the secretary counsel engineers experts clerks stenographers and investigators for postage telegraph and telephone charges for witness fees allowed by the commission for supplies and printing and for all other expenses deemed necessary and proper by the commission

Section 5 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarra,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baugher,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burriss,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E.,
Cook,	Hirsch,	Munley,	Thompson, R.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kline,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	
Finestone,	Levy,	Reese, R. E.,	
Finnerty,	Leydic,	Regan,	
Fiss,	Lichtenwalter,	Reynolds,	
Fleming,	Longo,	Riley,	
Fletcher,	Lovett,	Rooney,	
French,	Lyons,	Rose, S.,	
Gallagher,	Malloy,	Royer,	
	Marks,	Rush,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1121, as follows:

A Further Supplement to the act approved the first day of April one thousand eight hundred and sixty-three (P. L. 213) entitled "An act to accept the grant of Public Lands by the United States to the several states for the endowment of Agricultural Colleges" making an appropriation for carrying the same into effect

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In order to carry into effect the act of Congress approved July second one thousand eight hundred and sixty-two granting public land to the several states for educational purposes and subsequent acts of Congress related thereto and the act of the Legislature of Pennsylvania approved April first one thousand eight hundred and sixty-three and subsequent acts of the Legislature of Pennsylvania accepting the provisions and conditions of said acts of Congress and pledging the faith of the State to carry the same into effect the sum of four million eight hundred thousand dollars (\$4,800,000) is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and forty-one to the Trustees of the Pennsylvania State College for the following purposes

For the general maintenance of instruction research and extension in the School of Agriculture the Mont Alto State Forest School the School of Engineering the School of the Liberal Arts the School of Mineral Industries the School of Chemistry and Physics the School of Education the Graduate School the School of Physical Education and Athletics for the general maintenance of other schools departments offices and services including repairs and improvements to the grounds and buildings service of light heat power water and sewage disposal salaries and wages materials supplies equipment books and periodicals insurance and interest and such other expenditures as the trustees may deem necessary and practicable

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarra,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baugher,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burriss,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. P.,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Trout,
Cooper,	Imbrie,	Nunemacher,	Turner,
Cordier,	James,	O'Brien,	Van Allsburg,
Corrigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
DiGenova,	Kenehan,	Owens,	Voorhees,
Dix,	Kline,	Petrosky,	Wagner,
Dolon,	Knoble,	Polaski,	Watkins,
D'Ortona,	Kolankiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Weiss,
Early,	Krise,	Prosen,	Welsh, E. B.,
Elder,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Elliott,	Lelsey,	Reagan,	Wilkinson,

Ely,	Lesko,	Reese, D. P.,	Williams.
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestone,	Leydic,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy.
Gates,	Marks,	Rush,	
Gallagher,	Maxwell,	Sarge,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1648, Printer's No. 863, was passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 361, as follows:

An Act making an appropriation to the City of Harrisburg to compensate members of the police force for the extra police protection afforded by the Harrisburg police force for the properties and activities of the Commonwealth within the Capital City

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The sum of ten thousand dollars (\$10,000) is hereby specifically appropriated out of the General Fund to the City of Harrisburg for each of the two fiscal years beginning June first one thousand nine hundred and forty-one and June first one thousand nine hundred and forty-two to compensate the members of the Harrisburg police force for the extra police protection afforded by them for the activities and properties of the Commonwealth within the Capital City

Section 2 The amount thus appropriated for each of the two fiscal years beginning June first one thousand nine hundred and forty-one and June first one thousand nine hundred and forty-two shall [be added] not be used or applied in or toward the payment of the basic pay or regular salaries of the respective members of the Harrisburg police force but shall be used for the sole purpose of adding pro rata and in equal monthly installments to the regular salaries of the respective members in good standing of the Harrisburg police force during such fiscal years

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarra,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,

Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Meichlorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dairymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kline,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Welse,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodring,
Finnerty,	Leydic,	Regan,	Woodside,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy, Speaker.
	Marks,	Rush,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1129, as follows:

An Act to further amend subsection (a) of section six of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof of the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to

fiduciaries concerned with the estates of decedents eliminating requirements for advertising and for appointment of masters where value of estates of presumed decedents is not in excess of five hundred dollars

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Subsection (a) of section six of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 447) entitled as amended "An act relating to the administration and distribution of the estate of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisal of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by the act approved the twenty-seventh day of April one thousand nine hundred twenty-seven (P. L. 425) is hereby further amended to read as follows

Section 6 (a) Whenever hereafter any person shall be presumed to be dead on account of absence for seven or more years from the place of his or her last domicile whether the same be within this Commonwealth or in any other State Territory or possession of the United States or in any foreign country any person entitled under the last will and testament of such presumed decedent or under the intestate laws to any share in his or her estate within this Commonwealth or under any deed will or other instrument in writing or in any other way method or manner to any share or interest in any estate held by or for such presumed decedent for years or for the term of his or her natural life or the escheator for the Commonwealth may present a petition to the orphans court of the county of such person's last residence or where the presumed decedent was a nonresident of this Commonwealth in the orphans' court of the county where the greater part of his property within this Commonwealth may be situated setting forth the facts which raise the presumption of death. The said court if satisfied as to the interest of the petitioner may cause to be advertised in a newspaper published in said county once a week for four successive weeks together with such other advertisement as the court according to the circumstances of the case shall deem expedient or advisable the fact of such application together with notice that on a day certain which shall be at least two weeks after the last appearance of said advertisement the court or master appointed by the court for that purpose will hear evidence concerning the alleged absence of the presumed decedent and the circumstances and duration thereof. Provided however That in any case in which the total value of the estate of the presumed decedent whether real or personal is not in excess of five hundred dollars (\$500) no

master shall be appointed and no advertisement shall be necessary as may be required by any of the provisions of this section and the said court in such case shall have the right to declare such presumed decedent legally dead upon the basis of such evidence and testimony as it may require to be produced before it by the said petitioner

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarge,
Auker,	Gillan,	McClester,	Sarra,
Baker,	Goodwin,	McDermott,	Scanlon,
Balthaser,	Greenwood,	McDowell,	Schwab,
Baughner,	Gryskewicz,	McFall,	Shaffer,
Bentley,	Gyger,	McGrath,	Shaw,
Bentzel,	Habbyshaw,	McIntosh,	Shepard,
Boles,	Haberlen,	McKinney,	Simons,
Boney,	Haines,	McLanahan,	Skale,
Bower,	Hall,	McLane,	Snyder,
Bradley,	Hamilton,	McMillen,	Sollenberger,
Bretherick,	Harris,	McSurdy,	Sorg,
Brown,	Harkins,	Melchiorre,	Stambaugh,
Brunner, P. A.,	Heatherington,	Mihm,	Stank,
Burns,	Helm,	Modell,	Stine,
Burris,	Hering,	Mooney,	Stockham,
Chervenak,	Herman,	Moran,	Tarr,
Chudoff,	Hersch,	Moul,	Tate,
Cochran,	Hewitt,	Muir,	Taylor,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, E. P.,
Cook,	Holland,	Nagel,	Thompson, R. L.,
Cooper,	Imbrie,	Nunemacher,	Trout,
Cordier,	James,	O'Brien,	Turner,
Corrigan,	Jefferson,	O'Connor,	Va. Allsburg,
Croop,	Jones, G. E.,	O'Dare,	Verona,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vincent,
Dennison,	Keenan,	O'Neill,	Vogt,
DiGenova,	Kenehan,	Owens,	Voidow,
Dix,	Kline,	Petrosky,	Voorhees,
Dolon,	Knoble,	Polaski,	Wagner,
D'Ortona,	Kolankiewicz,	Polen,	Watkins,
Duffy,	Komorowski,	Powers,	Weingartner,
Early,	Krise,	Prosen,	Wells,
Elder,	Lee, T. H.,	Readinger,	Welsh, E. B.,
Elliot,	Leisey,	Reagan,	Welsh, M. J.,
Ely,	Lesko,	Reese, D. P.,	Wilkinson,
Falkenstein,	Levy,	Reese, R. E.,	Williams,
Finestone,	Leydic,	Regan,	Woodring,
Finerty,	Lichtenwalter,	Reynolds,	Woodside,
Fiss,	Longo,	Riley,	Wright,
Fleming,	Lovett,	Rooney,	Yeakel,
Fletcher,	Lyons,	Rose S.,	Yester,
French,	Malloy,	Royer,	Young,
Gallagher,	Marks,	Rush,	Kilroy,
Gates,	Maxwell,		Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 566, Printer's No. 898; House Bill No. 1638, Printer's No. 816; House Bill No. 1640, Printer's No. 816 and House Bill No. 1639, Printer's No. 819, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1729, as follows:

An Act to add section fourteen and one-tenth to the act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" authorizing the Secretary of Highways and the various political subdivisions with the approval of the Water and Power Resources Board to grant easements and flowage rights to the Federal Government over certain highways roads streets and bridges.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The act approved the seventh day of August one thousand nine hundred and thirty-six (P. L. 106) entitled as amended "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain providing for the setting off of benefits imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships and the Department of Highways" which was reenacted and amended by the act approved the tenth day of March one thousand nine hundred and thirty-seven (P. L. 43) is hereby further amended by adding thereto after section fourteen a new section to read as follows

Section 14.1 Easements Over Highways et cetera Given to Federal Government The Secretary of Highways for the Commonwealth and the authorities of each municipality may with the approval of the Water and Power Resources Board grant easements or flowage rights to the Government of the United States or any agency thereof and to submerge during the emergency caused by floods or threatened floods the highways streets roads bridges or lands which are owned or maintained by the Commonwealth or by the respective municipalities as the case may be in any flood area

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarrafi,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,

Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burris,	Hering,	Mooney,	Tarr,
Chervenak,	Hersch,	Moran,	Tate,
Chudoff,	Herman,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Trout,
Cooper,	Imbrie,	Nunemacher,	Turner,
Cordier,	James,	O'Brien,	Van Allsburg,
Corrigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dairymple,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
DiGenova,	Kenehan,	Owens,	Voorhees,
Dix,	Kilbe,	Petrosky,	Wagner,
Dolon,	Knoble,	Polaski,	Watkins,
D'Ortona,	Kolankiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Weiss,
Early,	Krise,	Prosen,	Weish, E. B.,
Elder,	Lee, T. H.,	Reedinger,	Weish, M. J.,
Elliott,	Lelsey,	Reagan,	Wilkinson,
Ely,	Lesko,	Reese, D. P.,	Williams,
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestone,	Leydic,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fias,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy,
Gallagher,	Marks,	Rush,	
Gates,	Maxwell,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1420, as follows:

An Act to amend the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as amended by imposing the tax upon personal property held and managed in this Commonwealth owned held or possessed by residents as trustees agents or attorneys-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state and by imposing the tax upon equitable interests or residents in personal property held and managed in another state where the legal title to such personal property is held by more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section one of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for

the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" as last amended by the act approved the nineteenth day of June one thousand nine hundred thirty-nine (P. L. 413) is hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all personal property of the classes hereinafter enumerated owned held or possessed by any resident which is used in this section shall mean any person persons copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or by any joint-stock company or association limited partnership bank or corporation whatsoever formed erected or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth whether such personal property be owned held or possessed by such resident in his her their or its own right or as active trustee agent attorney-in-fact or in any other capacity or by any resident as trustee agent or attorney-in-fact jointly with one or more trustees agents or attorneys-in-fact domiciled in another state where such personal property is held and managed in this Commonwealth except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state or where the legal title to such personal property is vested in more than one trustee agent or attorney-in-fact one or more of whom are domiciled in another state and one or more of whom are domiciled within this Commonwealth and such personal property is held and managed in another state and where such resident is entitled to receive all or any part of the income therefrom is hereby made taxable annually for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section seventeen of the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) as reenacted and amended all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank

bank and trust company national banking association savings institution corporation or limited partnership liable to a tax on its shares or the capital stock or franchise tax imposed by section twenty-one of the act approved the first day of June one thousand eight hundred eighty-nine (P. L. 420) and its amendments and supplements for State purposes under the laws of this Commonwealth all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital owing to individual citizens of the State and the principal value of all annuities yielding annually over two hundred dollars Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts of debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest bearing accounts in any bank or banking institution savings institution employees' thrift or savings association whether operated by employees or the employer or trust company nor to personal property held in the commercial department and owned in its own right by a banking institution savings institution or trust company in liquidation by a receiver trustees or other fiduciary it being the intent and purpose of this proviso that no tax be assessed or collected upon the personal property enumerated herein And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said four mills tax on any of the said such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner except as executor or administrator of the estate of a nonresident decedent and except as trustee for a resident or nonresident religious charitable or educational organization no part of the net earnings of which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for county purposes and in cities coextensive with counties for city and county purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated received from any person or persons copartnerships or unincorporated association or company nonresident in or not located within this Commonwealth or from any joint-

stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company nonresident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein

Section 2 This act shall become effective on the first day of January one thousand nine hundred forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarraf,
Auker,	Gerard,	McClanaghan,	Scanlon,
Baker,	Gillan,	McClester,	Schwab,
Balthaser,	Goodwin,	McDermott,	Shaffer,
Baughner,	Greenwood,	McDowell,	Shaw,
Bentley,	Gryskewicz,	McFall,	Shepard,
Bentzel,	Gyger,	McGrath,	Simons,
Boles,	Habbyshaw,	McIntosh,	Skale,
Boney,	Kaberen,	McKinney,	Snyder,
Bower,	Haines,	McLanahan,	Sollenberger,
Bradley,	Hall,	McLane,	Sorg,
Bretherick,	Hamilton,	McMillen,	Stambaugh,
Brown,	Harkins,	McSurdy,	Stank,
Brunner, P. A.,	Harris,	Melchiorre,	Stine,
Burns,	Heatherington,	Mihm,	Stockham,
Burris,	Helm,	Modell,	Tarr,
Chervenak,	Hering,	Mooney,	Tate,
Chudoff,	Herman,	Moran,	Taylor,
Cochran,	Hersch,	Mulr,	Thompson, E. F.,
Cohen, M. M.,	Hewitt,	Munley,	Thompson, R. L.,
Cook,	Hirsch,	Nagel,	Trout,
Cooper,	Holland,	Nunemacher,	Turner,
Cordier,	Imbrie,	O'Brien,	Van Allsburg,
Corrigan,	James,	O'Connor,	Verona,
Croop,	Jefferson,	O'Dare,	Vincent,
Dalrymple,	Jones, G. E.,	O'Mullen,	Vogt,
Dennison,	Jones, P. N.,	O'Neill,	Voldow,
DiGenova,	Keenan,	Owens,	Voorhees,
Dix,	Kenehan,	Petrosky,	Wagner,
Dolon,	Kline,	Polaski,	Watkins,
D'Ortona,	Kolankiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Weiss,
Early,	Krisle,	Prosen,	Weish, E. B.,
Elder,	Lee, T. H.,	Readinger,	Weish, M. J.,
Elliot,	Lelsey,	Reagan,	Wilkinson,
Ely,	Lesko,	Reese, D. P.,	Williams,
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestone,	Leydic,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fliss,	Longo,	Riley,	Yeakel,
		Roonev,	Yester,

Fleming,
Fletcher,
French,
Gallagher,

Lovett,
Lyons,
Malloy,
Marks,

Rose, S.,
Royer,
Rush,
Sarge,

Young,
Kilroy,
Speaker,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1177, as follows:

An Act to amend section seven hundred and seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing the titling including liens encumbrances and legal claim registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by allocating fees for inspection certificates for promotion of highway safety

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Section seven hundred seventeen point one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 717.1 Fee for Inspection Certificates The fee for inspection certificates shall be five (\$.05) cents for each certificate issued A sum equal to the amount so realized shall be allocated to and used solely for the promotion of highway safety

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarra,
Auker,	Gillan,	McClester,	Scanlon
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haerlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Eretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burris,	Hering,	Mooney,	Tarr,
Chervanek,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Trout,
Cooper,	Imbrie,	Nunemacher,	Turner,
Cordier,	James,	O'Brien,	Van Allsburg,
Corrigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dairymple,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
DiGenova,	Kenehan,	Owens,	Voorhees,
Dix,	Kline,	Petrosky,	Wagner,
Dolon,	Knoble,	Polaski,	Watkins,
D'Ortona,	Kolanekiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Wells,
Early,	Krise,	Prosen,	Welsh, E. B.,
Eider,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Elliot,	Lelsey,	Reagan,	Wilkinson,
Ely,	Lesko,	Reese, D. P.,	Williams,
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestone,	Leydie,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy,
Gallagher,	Marks,	Rush,	
Gates,	Maxwell,	Sarge,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1766, as follows:

A Supplement to the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits an rights from taxation and judicial process and

providing penalties" defining the rights and obligations of members of the School Employees' Retirement Association engaged in active military service

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Definitions The following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

(1) "The act to which this is a supplement" shall mean the act approved the eighteenth day of July one thousand nine hundred seventeen (P. L. 1043) entitled "An act establishing a public school employees' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employees defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employees exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" and all amendments thereto passed finally before the effective date of this act

(2) "Employee" shall mean any person who is an employee as defined in the act to which this is a supplement

(3) "Employer" shall mean the Commonwealth school district or other agency by which an employee is paid

(4) "Salary deductions" shall mean the amount certified by the Public School Employees' Retirement Board and either (a) deducted from the salary of a contributor to the School Employees' Retirement Fund and paid by the treasurer of each employer into the fund created by the act to which this is a supplement through the Department of Revenue under the provisions of section seven of said act or (b) deducted from any grant-in-aid subsidy or benefit payable or paid by the Commonwealth of Pennsylvania to an employee or his dependent or dependents while in active military service as defined in this act and paid into the Retirement Fund by the State Treasurer through the Department of Revenue

(5) "Board" shall mean the Public School Employees' Retirement Board created by the act to which this is a supplement

(6) "Active military service" shall mean full time service in the armed forces of the United States under a requisition from or by executive order of the President of the United States or in the armed forces organized for the defense of the Commonwealth of Pennsylvania by the authority of this Commonwealth

Section 2 An employee who enters into active military service may elect to continue to pay into the School Employees' Retirement Fund his salary deductions on the basis of his salary on the date of his entry into such active military service Such election shall be in writing on the form prescribed by the board and it shall be filed with the board within thirty (30) days after the effective date of this act or within thirty (30) days after the member's induction into active military service By such election an employee shall authorize and direct the treasurer of his employer to pay into the School Employees' Retirement Fund an amount certified to such treasurer by the board as the member's salary deduction The treasurer shall deduct such amount from any moneys payable to such employee or his dependent or dependents under the provisions of the act approved the seventh day of June one thousand nine hundred seventeen (P. L. 600) entitled "An act providing that appointive officers and employees employed by the Commonwealth of Pennsylvania in its civil service or by any department bureau commission or office thereof or by any county municipality township or school district shall not be deemed or held to have resigned or abandoned their offices or employments by reason of enlistment enrollment or draft in the military or naval service of the United States or any branch or unit thereof in time of war or contemplated war prohibiting the removal from their offices or employments of such officers and employees during the period of their service in the Army or Navy directing that one-half of the salaries or wages of such officers or employees as have dependent

wives children or parents and not exceeding two thousand dollars per annum be paid during the term of their service in the Army or Navy to such dependents authorizing the employment during said term of substitutes to perform the duties theretofore performed by such officers or employees respectively and providing for the compensation of such substitutes" or under any act of assembly extending the benefits of said act to employees or providing for the payment of grants-in-aid or subsidies to an employee while in active military service or under any law now in force or hereafter enacted and the treasurer of the employer shall pay the amount so deducted into the fund created by the act to which this is a supplement

Section 3 An employee who does not elect to pay into the School Employees' Retirement Fund during the period of his active military service an amount equal to his salary deductions may during the period of such active military service and for a further period of forty (40) days after completion of such active military service pay into the School Employees' Retirement Fund an amount which shall be equal to the salary deductions multiplied by the number of the monthly periods during which he or she was absent from school employment in active military service to the credit of the annuity savings account in such manner as may be agreed upon by the employee and the board but in no event shall such payments be made in installments less than sufficient to pay such amount by the time the member attains superannuation retirement age

Section 4 An employee who complies with the provisions of section two or section three of this act shall after such election be classified by the board as an employee in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service be entitled to all benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such employee continued to be in the actual employ and service of the employer at the salary such employee had been receiving on the date of his or her entry into active military service Provided however That such employee shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of the employer within a period of forty (40) days after such active military service the employer shall certify such member as an employee with active military service

Section 5 An employee who does not file with the board an election to pay his salary deductions into the School Employees' Retirement Fund as provided in section two of this act shall be classified as a nonpaying member in active military service of the School Employees' Retirement Association until he shall return to the actual employ and service of his or her employer or until such member complies with section three of this act in the manner provided or for the period of such active military service and for forty (40) days after the completion of such active military service Such member shall enjoy all the benefits to which the member was entitled on the date of entry into active military service under any law of the Commonwealth of Pennsylvania relating to the School Employees' Retirement Association and the School Employees' Retirement Fund Provided however That such member shall not have the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement except as hereinafter provided If such member returns to the actual employ and service of his or her employer within a period of forty (40) days after such active military service the employer shall certify such member as an employee with active military service

Section 6 An employee who shall have withdrawn from actual school employment or actual school service for active military service may after his or her return to actual school employment or actual school service but not later than forty (40) days after the completion of

such active military service request the board for a physical and medical examination At a time and place within the Commonwealth and by an examiner or examiners to be designated by the board the applicant shall appear for and submit to such examination If the examiner or examiners shall find as a fact that such employee is free from physical or mental incapacity which renders him or is likely to render him incapable of performing the duties of his employment the examiner or examiners shall so certify to the board whereupon the board shall classify the applicant as a member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service If the examiner or examiners shall find as a fact that such employee is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ and service of his or her employer the examiner or examiners shall certify to the board the nature and degree of such physical or mental incapacity or disability whereupon the board shall classify the applicant as a member with active military service disability and thereupon such member may elect to accept the benefit of the provisions of section twelve of the act to which this is a supplement or the benefit of section eight of this act or the benefits of the act to which this is a supplement without disability rights and shall be classified by the board as employee without disability rights Such employee shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly Such election shall be in writing in form prescribed by the board and shall be filed with the board not later than fifty (50) days after the completion of such active military service

Section 7 The form and content of the examination and certificate required by section six of this act shall be prescribed by the board with the advice of the board's actuary and a physician or psychiatrist to be by the board employed for that purpose

Section 8 All employees who shall have been engaged in active military service and who shall have returned to the employment or service of his or her employer without examination or certification as required by sections six and seven of this act shall be classified by the board as employees without disability rights Such employee shall enjoy all the rights incident to membership in the Retirement System except the right to retire for disability or upon disability and to receive a disability retirement allowance Such member's salary deduction shall be reduced accordingly

Section 9 The amount by which the salary deduction of an employee without disability rights to be paid into the fund shall be reduced shall be determined by the board in accordance with tables to be prepared and certified by the actuary

Section 10 The provisions and benefits of this act shall be applied and extended to all employees who were members of the School Employees' Retirement System on October fifteenth one thousand nine hundred forty.

Section 11 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Sarraf,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,

Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchiorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burtis,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Turner,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, E.,
Cook,	Holland,	Nagel,	Thompson, R.,
Cooper,	Imbrie,	Nunemacher,	Trout,
Cordier,	James,	O'Brien,	Van Allsburg,
Cc rigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dairymples,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
DiGenova,	Zenehan,	Owens,	Voorhees,
Dix,	Kline,	Petrosky,	Wagner,
Dolon,	Knoble,	Polaski,	Watkins,
D'Ortona,	Kolankiewicz,	Polen,	Weingartner,
Duffy,	Komorowski,	Powers,	Welss,
Early,	Krise,	Prosen,	Welsh, E. B.,
Elder,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Elliot,	Lesko,	Reagan,	Wilkinson,
Ely,	Lelsey,	Reese, D. P.,	Williams,
Falkenstein,	Levy,	Reese, R. E.,	Woodring,
Finestone,	Leydic,	Regan,	Woodside,
Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy,
Gallagher,	Marks,	Rush,	Speaker.
Gates,	Maxwell,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1795, as follows:

An Act to further amend clause (c) of section two thousand four hundred six of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the power and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" by further providing for the distribution of the State Manual

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 Clause (c) of section two thousand four hundred six of the act approved the ninth day of April

one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" as amended by section one of the act approved the twenty-first day of June one thousand nine hundred and thirty-seven (P. L. 1865) is hereby further amended to read as follows

Section 2406 Publications The Department of Property and Supplies shall have the power and its duty shall be

* * * *

(c) To compile and edit a State Manual which shall be published annually or biennially under such name as the department and the Governor shall determine The members and officers of the Senate and House of Representatives shall be given for distribution of said publication not less than [the number that they were heretofore given of Smull's Legislative Hand Book] one hundred (100) copies thereof each biennium In addition thereto each Senator may requisition one copy for each college and university in his senatorial district accredited by the State Council of Education and for each public library in his senatorial district by furnishing the names and addresses of same to the Senate librarian and certifying that they are accredited colleges or universities or public libraries located within his district and the Member or Members of the House of Representatives from each legislative district may requisition one copy for each public school in his or their legislative district by furnishing the names and addresses of the same to the Secretary of the House of Representatives and certifying that they are public schools located within his or their districts The number to be published for the several State departments boards and commissions shall be fixed by the department with the approval of the Governor If in the judgment of the department it is deemed advisable to publish copies of said manual in addition to those herein authorized which can be sold at the cost of printing and binding the department is authorized to publish such additional copies and pay the amount realized from the sale of same to the State Treasurer through the Department of Revenue

Section 2 The provisions of this act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarrat,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,

Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Claudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muhr,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dairymple,	Jones, G. E.,	O'Care,	Vincent,
Dennison,	Jones, P. N.,	O'Mulien,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Keneshan,	Owens,	Voorhees,
Dolon,	Kline,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorofski,	Powers,	Weiss,
Eider,	Erise,	Frosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Leisey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Flaestone,	Levy,	Reese, R. E.,	Woodring,
Finnerty,	Leydic,	Regan,	Woodside,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	

Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1641, Printer's No. 890, was passed over at the request of Mr. ACHTERMAN.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1798, as follows:

An Act setting up a procedure for the adoption of annual budget ordinances in cities of the second class A

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cities of the second class A in this Commonwealth the city council of such cities shall adopt an annual budget only in accordance with the procedure set forth in this act

The city council of said city shall first agree upon a tentative or proposed annual budget and shall thereupon authorize the clerk of said council to advertise in two newspapers of general circulation in such city a notice of the fact that such proposed or tentative budget shall be enacted finally twenty days after such advertisement. Copies of such proposed budget shall be available for public inspection in the office of the city clerk of such city. The said city council shall then fix a date between ten to fifteen days after such advertisement for a public hearing on said proposed budget at which hearing all interested taxpayers of such city may appear and state their positions and views relative to such budget. On the date fixed by the advertisement aforesaid the said city council shall proceed with the consideration of the pro-

posed budget ordinance and its adoption in any final form it may desire in accordance with the law governing the passage of such an ordinance

On the question,

Will the House agree to the bill on third reading?

Mr. CORDIER. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend Sec. 1, page 1, line 7, by inserting after the word "in" the following: "at least".

The SPEAKER. Will the House give unanimous consent to the offering of an amendment at this time? Is there objection? The Chair hears none.

On the question,

Will the House agree to the amendment?

The amendment was agreed to.

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1286, Printer's No. 907, was passed over at the request of the SPEAKER.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1430, as follows:

An Act to further amend the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of this act" by changing certain routes and adding certain new routes

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The following routes established by the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 594) entitled "An act establishing certain township roads as State Highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of this act" and its amendments are hereby amended to read as follows

Route 03120 Beginning at a point on Route 188 about 1.0 mile east of Apollo thence in a general southeasterly direction in Kiskiminetas Township to a road intersection near Brownstown School in Armstrong County a distance of about [1.0 mile] 3.25 miles

Route 03123 Beginning at a point on Route 03084 at Rimer thence easterly and northerly through Madison Township to a road intersection at Rimer Hill School thence con-

tinuing in a general northerly direction to a point on Route 03084 at Tidal in Armstrong County a distance of about [2.4] 3.4 miles

Route 12007 Beginning at a point on the Shippen Township-Emporium Borough line at the South Broad Street Bridge thence in a general southwesterly direction through Shippen Township to a point on Route 99 in Cameron County a distance of about [6.7] 11.0 miles

Route 2005 Beginning at the [village of Espyville] southerly end of Route 20150 thence southerly in North Shenango Township via Campbell Corners to a point in the north line of South Shenango Township about one mile east of the Pennsylvania-Ohio State line thence southerly in South Shenango Township to Espy Corners thence easterly in South Shenango Township via Westford Station Wagner's Corners and McQuistin's Corners to a point on the west line of West Fallowfield Township thence easterly in West Fallowfield Township to a point on the Linesville-Hartstown Road at Creamery Corners in Crawford County a distance of about [10.1] 8.1 miles

Route 20130 Beginning at a point on Route [20028] 207 about 0.8 of a mile southeast of [Route 294] Cochran-ton Borough thence in an easterly and northeasterly direction by way of [Kifers] Rynd School through Wayne Township to a point on Route 20035 near Deckards in Crawford County a distance of about [2.7] 3.5 miles

Route 22045 Beginning at a point in Rush Township on the Dauphin-Lebanon County line about [2.5 miles] 1½ miles west of the Schuylkill County line thence in a northeasterly and northwesterly direction through Rush Township to a point [on] intersecting Route 22041 about 1 mile west of the Schuylkill-Dauphin County line in Dauphin County a distance of about [0.7] 0.95 mile

Route 25050 Beginning at a point on Route 304 about 1.5 miles northeast of Carters Corners near Baldwin Flats School thence southeast and east in Amity Township to the Hill Road at Hatch Hollow thence south on the Hill Road about .3 of a mile to Hatch Hollow School thence east in Amity Township about 1.25 miles to the Lyon Road at Fenno Corners thence continuing in an easterly and southeasterly direction through Amity and Wayne Townships to a point on Route 88 near the United Brethren Church in Erie County a distance of about [4] 6.7 miles

Route 25063 Beginning at a point on Route 304 near the village of Little Hope thence east [in] through Greenfield Township [about two miles to a point on the public road at Wilson School about 1.25 miles north of the south line of Greenfield Township] to the west line of New York State in Erie County a distance of about [2.2] 3.3 miles

Route 26055 Beginning at Route 578 near Melcroft and extending in a northwesterly direction by way of Kelsar School through Saltlick Township and Bullsken Township to the [Saltlick-Bullsken Township] Westmoreland County line in Fayette County for a distance of about [4.5] 6.0 miles

Route 27021 Beginning at a point on Route 27013 near Brookston thence southwesterly through Howe Township to a point about 1.5 miles southwest of a road intersection in Forest County a distance of about [4.1] 5.6 miles

Route 27023 Beginning at a point on Route 93 near the Tionesta Borough line thence easterly and northeasterly through Tionesta [Township] and Green Townships to a point on Route 27008 near the Green-Hickory Township line in Forest County a distance of [one mile] 3.8 miles

Route 30096 Beginning at a point on Route 268 west of Stony Point thence in a northeasterly direction through Morgan Township [to the Mather Post Office] through the village of Mather to a point on Route 30055 near Ten Mile Creek in Greene County a distance of about [0.3 of a mile] 1.1 miles

Route 38043 Beginning at a point in Union Township intersecting Route 140-E near Murray thence in [a] an easterly and general northerly direction through Union and Cold Spring Townships via Gold Mine to a point on the Dauphin-Lebanon County line about [2.5 mile] 1.5 miles west of the Schuylkill County line in Lebanon County a distance of about [6.0] 6.11 miles

Route 42009 Beginning at a point on the Bradford City line thence southwest in Bradford Township [to] toward Hazleton Mills to the end of the concrete pavement in McKean County a distance of about [5.01] 3.93 miles

Route 42037 Beginning at a point on Route 42005 about 1.5 miles northeast of the northern borough line of Mount Jewett Borough thence northeasterly through Hamlin Township crossing the Baltimore & Ohio Railroad tracks at Kushequa and continuing in a general northerly and westerly direction to a point on Route 42005 in McKean County a distance of about [0.6 of a mile] 1.8 miles

Route 48077 [Beginning at a point on Route 175 at Seips thence northeasterly in Palmer Township to a point on Route 48019 in Northampton County a distance of about 0.5 of a mile] Beginning at a point on Route 530 near the southern boundary line of Hellertown Borough thence in a general southeasterly direction through Lower Saucon Township to a point on the Bucks County line in Northampton County a distance of about 2.1 miles

Route 50009 Beginning at a point on Route 50010 about 0.9 of a mile south of Loysville thence in a general westerly direction through Tyrone and Southwest Madison Townships to a point in Southwest Madison Township about 1.5 miles south of Cisna Run thence northerly to a point intersecting Route 122 at Cisna Run thence from a point again intersecting Route 122 at Center southerly a distance of about one mile in Perry County a distance of about [2.61] 4.91 miles

Route 51034 Beginning at a point on Route 51008 opposite Twin Lake thence extending in a general northerly and easterly direction through Shohola Township to [a crossroad] the end of the township road about 1.0 mile west of Pond Eddy in Pike County a distance of about [1.8] 5.4 miles

Route 52037 [Beginning at a point on Route 52037 about 3.5 miles north of its intersection with Legislative Route 103 thence extending in a northerly direction through Hebron Township to a road intersection a distance of about 1.7 miles from its intersection with Legislative Route 236 in Potter County a distance of about 1.0 mile] Beginning at a point on Route 52037 about 3.5 miles north of its intersection with Legislative Route 103 thence extending in a general northeasterly direction through Hebron and Allegheny Township to a road intersection thence continuing in a westerly direction through Allegheny and Hebron Townships to a point on Route 52037 a distance of about 1.7 miles from its intersection with Legislative Route 236 in Potter County a distance of about 2.3 miles

Route 52044 [Beginning at a point on Route 52044 about 1.6 miles northwest of its intersection with Route 52033 thence extending in a northerly direction through Harrison Township to a point on Route 52034 at White's Corners Potter County a distance of about 0.99 miles] Beginning at a point on Route 52044 about 1.6 miles northwest of its intersection with Route 52033 thence extending in a westerly direction through Harrison Township to a road intersection thence continuing in a northerly direction through Harrison Township to a point on Route 52032 about 0.5 miles west of White's Corners in Potter County a distance of about 1.5 miles

Route 55143 Beginning at a point on Route 55008 [about 0.1 of a mile south of its intersection with Route 55019] about 1.25 miles northeast of its intersection with Route 55017 thence in a [southeasterly northwesterly and south-easterly] southerly northeasterly and southeasterly direction through Elklick and Summit [Township] Townships to a point on Route 51 and 1.0 mile southwest of Meyersdale in Somerset County a distance of about [3.0] 4.3 miles

Route 58013 Beginning at a point on State highway Route 21 spur about 0.25 of a mile north of Stony Fork thence northwesterly [through Delmar Township to State Highway] about .2 of a mile thence northerly 2.6 miles to an intersection with Route 58015 thence following Route 58015 and Route 969 to Thumtowntown thence southwesterly through Delmar and Shippen Townships to Olmsville thence easterly in Delmar Township through Draper to the intersection with Route 58012 about 0.9 of a mile south

of Stony Fork in Tioga County a distance of about [7.7] 7.8 miles

Route 64031 Beginning at a point on the south borough line of Avonmore and extending in a general southwesterly direction through Bell Township to a point on Route 64029 thence from a point on Route 64032 about 0.5 of a mile south of the intersection of Routes 64031 and 64029 in a southwesterly and westerly direction to a point on Route 348 Spur about [0.8 of a] 1.0 mile south of Perryville in Westmoreland County a distance of about [3.3] 4.1 miles

Route 66061 Beginning at a point in Lower Chanceford Township intersecting Route 216 about .25 of a mile south of Sunnyburn thence easterly and northwesterly through Lower Chanceford Township via Slab to a point on Route 66064 near McCalls Ferry in York County a distance of about [2.6] 4.9 miles

Section 2 Said act is hereby further amended by adding thereto the following new routes

Allegheny County

Route 02234 Beginning at a point on State-aid Application 3754 about 0.3 of a mile west of its intersection with Route 02063 thence in a northerly direction through Sewickley Township to a point on the Beaver County line in Allegheny County a distance of about 0.1 of a mile

Route 02235 Beginning at a point on Route 02118 at its intersection with Ampere Street thence over Ampere Street Volta Street Edison Street Ohm Street Houston Street and Forno Lane to a point on the Troy Hill Road in Reserve Township Allegheny County a distance of about 0.3 of a mile

Route 02236 Beginning at a point on Route 02070 thence northwesterly through Jefferson Township along Dales Lane to Route 02203 in Allegheny County a distance of about 0.41 of a mile

Route 02237 Beginning at a point on the Lewis Run Road thence northerly through Jefferson Township to a point on Route 376 in Allegheny County a distance of about 1.14 miles

Route 02238 Beginning at a point on Route 330 thence northeasterly on Elliot Road through Jefferson Township to a point on the Lewis Run Road in Allegheny County a distance of about 0.46 of a mile

Route 02239 Beginning at a road intersection at the Snowden-Jefferson Township line thence in a general northeasterly direction along the Torrance Bruceton Road through Jefferson Township to a point on Route 330 in Allegheny County a distance of about 1.52 miles

Route 02240 Beginning at a point on the county road near the Snowden-Jefferson Township line thence easterly through Jefferson Township on the Stilley Road to a point on a county road in Allegheny County a distance of about 0.5 of a mile

Route 02241 Beginning at a point on Route 330 thence southwesterly and northwesterly along Beams Run Road through Jefferson Township to a point on a county road in Allegheny County a distance of about 0.81 of a mile

Route 02242 Beginning at the intersection of Routes 02082 and 02185 thence southwesterly on Elizabeth Street through Mifflin Township to a point on the Bull Run Road in Allegheny County a distance of about 1.0 miles

Route 02243 Beginning at a point on Route 02185 near the Duquesne Light Company thence northerly and northeasterly through Mifflin Township on Home Street to the intersection of 9th Avenue in Allegheny County a distance of about 0.8 of a mile

Route 02244 Beginning at a point on Route 02082 near its intersection with Route 02185 thence easterly along Shady Lane in Mifflin Township to a point on Route 837 at the Mifflin Township-Duquesne City line in Allegheny County a distance of about 0.86 of a mile

Route 02245 Beginning at a point on Route 02101 near the Mifflin Township School Board property thence northwesterly and southeasterly through Mifflin Township along Cherry Lane to the intersection of Curry Hollow Road in Allegheny County a distance of about 0.32 of a mile

Route 02246 Beginning at a point on Route 02185 near its intersection with Route 02082 thence southeasterly on Cochran Road through Mifflin Township to a point on the Bull Run Road near the Carnegie Land Company property in Allegheny County a distance of about 1.06 miles

Route 02247 Beginning at a point on Route 02078 thence northwesterly on Paule Lane through Mifflin Township to a point on Route 02084 in Allegheny County a distance of about 0.5 of a mile

Armstrong County

Route 03140 Beginning at a point on Route 03065 about 0.7 of a mile south of Rural Valley Borough thence in a southerly direction through Cowanshannock and Plum Creek Townships to a point on Route 03066 in Armstrong County a distance of about 2.0 miles

Route 03141 Beginning at a point on Route 03084 about 0.5 of a mile south of Kellersburg thence in a general southwesterly direction through Madison Township to a point on Route 03068 near Mahoning in Armstrong County a distance of about 4.3 miles

Route 03142 Beginning at a point on Route 03067 about 0.7 of a mile northwest of its intersection with Route 66 thence in a general northeasterly direction through Rayburn Township to a point on Route 66 about 0.3 of a mile north of its intersection with Route 03069 in Armstrong County a distance of about 2.1 miles

Route 03143 Beginning at a point on Route 03017 about 0.2 of a mile east of its intersection with Route 251 thence in a northerly and westerly direction through Sugar Creek Township to a point on Route 03027 near the Sugar Creek-Bradys Bend Township line in Armstrong County a distance of about 3.1 miles

Beaver County

Route 04117 Beginning at the intersection of State-aid Application 162 and Darlington Road near Steffin Hill United Presbyterian Church thence westerly along said Darlington Road to an intersection with State Highway Route 204 in Chippewa Township Beaver County a distance of approximately 1.6 miles

Route 04118 Beginning at a point on Route 204 near Butts' Corners thence extending in a westerly direction through Darlington Township to a point on the Pennsylvania-Ohio State line about 0.5 of a mile south of Route 204 in Beaver County a distance of about 2.5 miles

Route 04119 Beginning at a point on Route 04045 about 0.5 of a mile south of the intersection of Route 04045 and Route 204 thence in a general westerly direction through Darlington Township to a point on the Pennsylvania-Ohio State line about 0.5 of a mile south of Route 204 in Beaver County a distance of about 1.2 miles

Route 04120 Beginning at the intersection of Route 04090 and State-aid Application 4846 at Wallrose thence in a westerly and southerly direction through Economy Township to a point on the Allegheny County line about 0.4 of a mile east of Route 04025 in Beaver County a distance of about 2.5 miles

Route 04121 Beginning at a point on the Fallston Borough-Patterson Township line thence in a general northwesterly direction through Patterson Township over the old location of Route 204 to a point on the Patterson-Chippewa Township line in Beaver County a distance of about 2.65 miles

Route 04122 Beginning at a point on the Freedom Borough-New Sewickley Township line thence in a northeasterly and northerly direction through New Sewickley Township to a point on Route 04085 about 0.6 of a mile south of its intersection with Route 78 Spur in Beaver County a distance of about 3.2 miles

Route 04123 Beginning at a point in Greene Township on Route 483 near the Greene Township-Shippingport Borough line thence in a general southeasterly direction through Greene Township Shippingport Borough and Raccoon Township via the Morrow and Cain farms Kennedy Coal Mines and the Kennedy farm to a point on Route 04077 at the Moore farm in Beaver County a distance of about 3.0 miles

Bedford County

Route 05119 Beginning at a point on Route 05019 in Milligan's Cove thence in a southwesterly direction through Harrison and Londonderry Townships to a point on Route 356 in Bedford County a distance of about 6.8 miles

Route 05120 Beginning at a point on Route 529 at Watts

Filling Station thence in a southerly direction through Broadtop Township to a point on Route 05102 at Kearney in Bedford County a distance of about 1.8 miles

Route 05121 Beginning at a point on Route 5058 at Sandy Run thence in an easterly and southerly direction through Broadtop Township to a point on Route 05058 about 0.9 of a mile west of its intersection with Route 05056 in Bedford County a distance of about 4.3 miles

Route 05122 Beginning at a point on Route 329 about one mile east of the church at Chaneyville thence southeasterly southerly and easterly through Southampton and Mann Townships via Mt. Zion to a point on Route 05005 at Artemas in Bedford County a distance of about 7.8 miles

Route 05123 Beginning at a point on Route 05040 at Graceville thence in an easterly and northerly direction through East Providence and Broadtop Townships to a point on Route 05056 in Bedford County a distance of about 6.0 miles

Route 05124 Beginning at a point on Route 05002 at Beans Cove thence in a southerly direction through Southampton Township to the Maryland State line in Bedford County a distance of about 5.0 miles

Route 05125 Beginning at a point on Route 286 at Clearville thence in a northerly direction through Monroe and West Providence Townships to a point on Route 594 in Bedford County a distance of about 3.5 miles

Route 05126 Beginning at a point on Application 1169 at Furrys Mill thence in a northerly direction through South Woodbury Township to a point on Route 05077 near the South Woodbury-Woodbury Township line in Bedford County a distance of about 1.9 miles

Route 05127 Beginning at a point on Route 05033 near Mench thence in a general easterly direction through West and East Providence Townships to a point on Route 05021 near its intersection with Route 05031 in Bedford County a distance of about 2.2 miles

Route 05128 Beginning at a point on Route 692 near Saxton thence in an easterly direction through Liberty Township to a point on Route 692 in Bedford County a distance of about 0.5 of a mile

Berks County

Route 06208 Beginning at a point on Route 916 at Jacksonwald thence in a general northwesterly direction through Exeter Township to a road intersection near the Exeter-Lower Alsace Township line in Berks County a distance of about 2.2 miles

Route 06209 Beginning at a point on Route 06147 about one mile north of its intersection with the Lebanon County line thence in a northeasterly direction through Heidelberg Township to a point on the Heidelberg Township-Robesonia Borough line in Berks County a distance of about 1.1 miles

Route 06210 Beginning at a point on Route 06046 near Berne thence in a general northwesterly and westerly direction through Tilden Township to a point on Route 141 about 0.3 of a mile east of Upper Berne in Berks County a distance of about 2.3 miles

Route 06211 Beginning at a point on Route 06113 near the intersection of Route 06054 thence in a general easterly direction through Alsace and Ruscombmanor Townships to a point on State-aid Application 7202 at the Ruscombmanor-Oley Township line in Berks County a distance of about 3.1 miles

Route 06212 Beginning at a point on Legislative Route 06098 near Hill Church in Pike Township Berks County and extending in a southeasterly direction for a distance of 1.2 miles to the Pike-Earl Township line thence again in a southeasterly direction for a distance of .9 of a mile to a point on Legislative Route 197 near the Earl-Colebrookdale Township line for a total distance of 2.1 miles

Route 06213 Beginning at a point on Route 06119 about 0.3 of a mile east of its intersection with Route 06120 thence in a southerly direction through Longswamp Township and District Township to a point on Route 06140 about 0.3 of a mile east of its intersection with Route 06173 in Berks County a distance of about 2.8 miles

Blair County

Route 07049 Beginning at a point on Route 884 near the County Home thence in a northwesterly direction through Allegheny Township to a point on Application 3583 at Cross Keys in Blair County a distance of about 1.3 miles

Route 07050 A portion of township road No 07424 in Frankstown Township Blair County Pennsylvania beginning on Route 07011 and ending on Route 07021 being 4.2 miles in length Proposed to be made a part of the State Highway System

Route 07051 Beginning at a point on the Altoona City line at Eighth Street thence in a southeasterly direction on Eighth Street in Logan Township to its intersection with Sixth Avenue at Hutchinson's Crossing in Blair County a distance of about 0.27 of a mile

Bradford County

Route 08184 Beginning at a point on South Main Street at the Canton Township-Canton Borough line thence in a northwesterly direction through Canton Township to a point on Route 20 in Bradford County a distance of about 0.1 of a mile

Route 08185 Beginning at a point on Route 08093 about 1.0 mile north of Burlington Borough thence in a northerly direction 2.7 miles through Burlington and Smithfield Township via Coddington to a road intersection thence in a westerly and northwesterly direction to a point on Route 08074 in Bradford County a total distance of about 3.7 miles

Route 08186 Beginning at a point on Route 08080 near Black thence in a northwesterly direction through She-shequin Township for about 1.5 miles to a road intersection thence in a general northerly direction to a point on Route 08079 about 0.5 of a mile west of Ghent in Bradford County a total distance of about 3.8 miles

Bucks County

Route 09155 Beginning at the boundary line of the Borough of Sellersville in the Township of West Rockhill in the County of Bucks and extending thence in a northerly direction through Smoketown and Rich Hill on the boundary line between the Borough of Quakertown and the Township of Richland in the County of Bucks a distance of approximately 5.5 miles

Route 09156 Beginning at a point on Route 386 at Springtown thence in a westerly direction through Springfield Township to a point on the Northampton County line in Bucks County a distance of about 0.5 of a mile

Butler County

Route 10136 Beginning at a point in Cherry Township on Legislative Route 10063 at Station 241+44 near Moniteau in a general northwesterly direction a distance of approximately two (2) miles to Legislative Route 10068 at Station 422+57 thence in a general northerly direction in Cherry and Marion Townships Butler County a distance of approximately 1.2 miles to Legislative Route 10070 at Station 434+42 near Atwells Crossing being known as Township Road No 560

Route 10137 Beginning at a point on State Highway Legislative Route 10131 at Station 96+53 approximately 1.5 miles south of the Borough of Saxonburg thence in an easterly direction a distance of approximately 1.7 miles to State Highway Legislative Route 10023 at Station 224+27 being known as Township Road 552 in Clinton Township Butler County Pennsylvania

Route 10138 Beginning at a point on Route No 75 in Concord Township Butler County Pennsylvania extending north on Township Route No 508 to the intersection of Township Routes No 508 and No 606 a distance of 0.2 mile thence northeast on Route No 606 to intersection of Township Routes No 606 and No 621 a distance of 0.4 mile thence east on Township Route No 621 past the church and cemetery to intersection of State Routes No 10060 and No 10061 a distance of 2.1 miles thence east on No 621 to Fairview Township line a distance of 0.8 mile

Route 10139 Beginning at a point on Legislative Route 10043 at Station 438+13 in Whitestown thence in a general easterly direction 4.8 miles in Connoquenessing Township to Legislative Route 78 at Station 804+43 crossing Legislative Route 10045 at Station 163+42

Route 10140 Beginning at a point on State Highway Route No 8 in Middlesex Township Butler County at a point Station No 190+23 thence westerly along Township Road No 485 a distance of 0.7 of a mile thence westerly along Township Road No 380 a distance of 0.6 of a mile thence southwesterly along Township Road No 384 a distance of 0.3 of a mile thence along Township Road No 401 a distance of 0.8 of a mile to the Adams Township line thence through Adams Township along Route No 401 1.5 miles to State Highway Route 10011 at Station 96+60 a distance of 3.9 miles

Route 10141 Beginning at a point on Route 10124 about 0.5 of a mile south of its intersection with Route 10123 thence in a general northwesterly direction through Marion Township to a point on Route 10072 about 0.3 of a mile east of its intersection with Route 10073 in Butler County a distance of about 2.5 miles

Route 10142 Beginning at a point in the Village of Cabot on State Highway Route No 3875 and running from thence in a northwestwardly direction through Winfield Township a distance of approximately one mile to the intersection thereof with State Highway Route No 10031 at the Village of Marwood in Butler County

Cambria County

Route 11091 Beginning at a point on Route 276 near the Conemaugh-Richland Township line thence in a southerly and southeasterly direction through Richland Township to a point on Route 11012 about 0.8 of a mile south of the intersection of Township Road No 347 in Cambria County a distance of about 2.0 miles

Route 11092 Beginning at a point on Route 11009 in the Village of Dunlo in Adams Township Cambria County thence northwesterly through Adams Township to a point on Route 11014 Spur "E" approximately one-tenth of a mile south of the village of Lovett in Cambria County a distance of about 3.4 miles

Route 11093 Beginning at a point 100 feet east of the Blair-Cambria County line on Route 53 Allegheny Township Blair County thence northward following the above county line to a point on Route 07018 State 0+0 (Clair County) Station 27+29 (Cambria County) a distance of 1.8 miles

Route 11094 Beginning at a point on Route 11079 near the Barr-Susquehanna Township line thence in a general easterly direction through Barr Township via Marsteller to the Spangler Borough line in Cambria County a distance of about 2.0 miles

Route 11095 Beginning at a point on the southern terminus of Route 11079 near Moss Creek thence in a general easterly direction through Barr Township to a point on the Barr Township-Spangler Borough line in Cambria County a distance of about 2.2 miles

Route 11096 Beginning at a point on Route 11046 about 0.6 of a mile north of the intersection of Route 11046 and Route 11045 thence in a general northerly direction through Barr Township to a point on a township road about 0.6 of a mile west of the Barr Township-Spangler Borough line in Cambria County a distance of about 2.8 miles

Route 11097 Beginning at a point on Route 406 near the intersection of Route 406 and Route 11050 thence in a southeasterly direction through Clearfield Township to a point on Route 11039 in Cambria County a distance of about 1.7 miles

Route 11098 Beginning at a point on Route 11025 near New Germany thence in a general northwesterly direction through Croyle Cambria and Jackson Townships to a point on Route 52 about 0.5 of a mile west of the Cambria-Jackson Township line in Cambria a distance of about 3.1 miles

Route 11099 Beginning at a point on the west borough line of Loretta Borough thence in a general northwest-

erly direction through Allegheny and East Carroll Townships via Bradley Junction to a point on Route 62 near Tunnel in Cambria County a distance of about 7.2 miles

Route 11100 Beginning at a point on Route 11049 near the Susquehanna-Elder Township line thence in a general northerly direction through Elder Township to a point on Route 11076 about 0.65 of a mile southeast of Hastings Borough in Cambria County a distance of about 0.5 of a mile

Route 11101 Beginning at a point on State Highway Route No 11014 at approximately 300 feet east of the boundary line between Adams and Croyle Townships thence in a southeasterly direction through Croyle and Adams Townships to the Croyle Township-Simmerhill Township line at the intersection of Route 11346 being 11468 feet more or less in length and constructed of concrete 16 feet in width

Route 11102 Beginning on State Highway Route No 54 at a point near the Village of Twin Rocks Station thence in a southwesterly direction through the Township of Jackson for a distance of 13801 feet more or less to the borough line of the Borough of Vințondale constructed of concrete 16 feet in width

Route 11103 Beginning at the eastern terminus of Route 11081 thence in a general easterly direction through Portage Township to a point on Route 11024 about 0.3 of a mile west of the Cambria-Blair County line in Cambria County a distance of about 2.1 miles

Route 11104 Beginning at a point on Route 11060 near its intersection with Route 11080 thence in a general westerly direction through Reade Township to a point on Route 276 at Hollentown in Cambria County a distance of about 1.6 miles

Route 11105 Beginning at a point on Route 11062 in Plattsville thence in a northeasterly and northerly direction through Susquehanna Township to a point on the Cambria-Clearfield County line about 1.7 miles east of Route 11057 in Cambria County a distance of about 3.0 miles

Route 11106 Beginning at a point on Route 11045 about 1.0 mile east of the intersection of Route 11043 and Route 11045 thence in a northwesterly direction through West Carroll Township via Bakerton to a point on Route 11047 in Cambria County a distance of about 1.1 miles

Route 11107 Beginning at a point on Route 11056 near the Elder-Chest Township line thence in a southerly and easterly direction through Elder Township to a point on the Elder Township-Patton Borough line in Cambria County a distance of about 2.0 miles

Carbon County

Route 13046 Beginning at a point on Route 13012 about 0.5 of a mile north of its intersection with Route 164 thence in a general southwesterly direction through Towamensing and Franklin Townships to a point on Route 164 at Harry in Carbon County a distance of about 5.7 miles

Centre County

Route 14056 Beginning at a point on Route 14009 about 0.4 of a mile east of the Boggs-Curtin Township line thence in a northerly easterly and southerly direction to a point on Route 14009 about 1.6 miles west of its intersection with Route 14012 in Centre County a distance of about 4.5 miles

Route 14057 Beginning at a point on Route 14013 at Ross Church thence in a general easterly direction through Ferguson Township via Gatesburg to a point on Route 14047 at Fairbrook in Centre County a distance of about 5.5 miles

Route 14058 Beginning at a point on Route 14014 near the village of Baileyville thence in a westerly direction through Ferguson Township to the Huntingdon County line in Centre County a distance of about 0.6 of a mile

Route 14059 Beginning at a road intersection 0.3 of a mile west of Route 14014 thence in a general northwest-erly direction through Ferguson Township to the Hunt-

Madison County line in Centre County a distance of about 0.6 of a mile

Route 14060 Beginning at a point on Route 14028 in the Village of Jacksonville thence in a general north-westerly direction through Marion Township to a point on Route 589 in Centre County a distance of about 0.6 of a mile

Route 14061 Beginning at a Point on Route 14037 about 0.2 of a mile east of its intersection with Application 5228 thence in a southerly direction through Rush Township to a point on Application 1286 in Centre County a distance of about 0.4 of a mile

Route 14062 Beginning at a point on Route 14005 thence in a general southwesterly direction through Taylor Township to a point on Route 57 about 1.0 mile north of the Blair County line in Centre County a distance of about 0.4 of a mile

Route 14063 Beginning at a point on Route 14006 about 1.0 mile south of its intersection with Route 107 thence in a westerly direction through Worth and Taylor Townships to a point on Route 14005 in Centre County a distance of about 1.8 miles

Route 14064 Beginning at a point on Route 107 near the Plum Grove School thence in a northerly and easterly direction through Union and Boggs Townships to a point on Route 219 about 0.5 of a mile south of Runville in Centre County a distance of about 3.4 miles

Route 14065 Beginning at a point on Route 14025 about 0.3 of a mile south of Zion thence in a general north-easterly direction through Walker Township to a point on Route 58 in Centre County a distance of about 2.0 miles

Chester County

Route 15231 Beginning at a point on Route 15192 about 0.5 of a mile east of its intersection with the West Vincent-East Pikeland Township line thence in a southerly and easterly direction through East Pikeland Township to a point on Route 15046 in Chester County a distance of about 1.7 miles

Route 15232 Beginning at a point on Route 15189 about 0.5 of a mile south of its intersection with Route 15009 thence in a southeasterly direction through Charlestown Township to a point on Route 15054 in Chester County a distance of about 1.0 mile

Route 15233 Beginning at a point on Route 15145 at Church Hill thence in a northwesterly direction through Honeybrook Township to a point on Route 15151 in Chester County a distance of about 0.1 of a mile

Route 15234 Beginning at a point on Route 137 about 0.7 of a mile northwest of its intersection with Route 502 thence in a southwesterly direction through West Brandywine Township to Icedale in Chester County a distance of about 0.3 of a mile

Clearfield County

Route 17118 Beginning at a point on Route 17008 at Newtonburg thence in a general southwesterly direction through Bell Township to a point on the Jefferson County line Clearfield County a distance of about 2.8 miles

Route 17119 Beginning at a point on Route 17042 Spur E at Mineral Spring thence in a general southeasterly direction through Bradford Township via Woodland to a point on Route 17056 Spur E at Bigler in Clearfield County a distance of about 2.9 miles

Route 17120 Beginning at a point on Route 57 near the east boundary line of Clearfield Borough thence in a general northeasterly direction through Lawrence Township to a point on Route 17052 about 0.4 of a mile south-east of Kerr in Clearfield County a distance of about 0.4 of a mile

Columbia County

Route 19116 Beginning at the Miller School House on Route 19040 and extending in a northeasterly direction a distance of about three and four tenths miles to Township Road No 427 Said road being known as Township Road 531

Route 19117 Beginning at Kimbles Inn on Route 42 and extending west on Routes 19106 and 19107 through the townships of Hemlock and Madison to Route 342 Being

a distance of three and eight tenths miles Said road being a mail route

Crawford County

Route 20151 Beginning at a point on Route 20125 at the Waldo School thence in a northerly direction through Cussewago Township to a point on the Erie County line in Crawford County a distance of about 1.1 miles

Route 20152 Beginning at a point on Route 20106 near Red Oak Corners thence in a northerly direction through Rome and Sparta Townships to a point on Route 20061 near Hays Corners in Crawford County a distance of about 4.3 miles

Route 20153 Beginning at a point on Route 89 near Mt Hope thence in a northerly direction through Randolph Township to a point on Route 20089 in Crawford County a distance of about 2.9 miles

Route 20154 Beginning at a point on Route 20035 about 0.5 of a mile west of Houtz Corners thence in a general easterly direction through Wayne Township via Drake School and Mt Joy School to the Venango County line in Crawford County a distance of about 4.3 miles

Elk County

Route 24029 Beginning at a point on Route 24013 Stations 614+63 and running in a northwesterly direction through Jones Township to where it intersects with Township Road No 360 in Elk County a distance of about 2.50 miles

Route 24030 Beginning at a point the intersection of Township Roads No 363 and No 360 thence over Township Road No 360 through Jones Township to where Road No 360 intersects with Route 24011 Station 112+50 a distance of about 0.2 miles

Route 24031 Beginning at a point on Route 24013 Station 48+22 and running in a northeasterly direction over a section of Township Road in Benzinger Township known as Road No 405 to the Cameron County line where it meets with Route 12005 in Cameron County a distance of about 9.30 miles

Route 24032 Beginning at a point on Route 24009 Station 357+25 (Dagus Mines) and running in an easterly direction for 0.50 miles to the intersection of Township Road No 394 then turning south for a distance of 1.50 miles to the intersection of Road No 3375 over a section of Township Road in Fox Township known as Road No 315 a distance of about 2.0 miles

Route 24033 Beginning at a point in Johnsonburg Borough Application 4327 Station 17+34 and running in a northwesterly direction to where Road No 351 intersects with Route 24007 Station 31+22 over a section of Township Road in Ridgway Township known as Road No 351 a distance of about 2.0 miles

Route 24034 Beginning at a point on Application 103 Station 47+73 and running in a northeasterly direction to where Road No 390 intersects with Route 99 Spur Station 520+40 over a section of Township Road in Fox Township known as Road No 390 a distance of about 3.0 miles

Route 24035 Beginning at a point on Route 411 Station 777+55 and running in a northerly direction to where it intersects with Route 24004 Station 152+20 over a section of Township Road in Benzette Township known as Township Road No 424 a distance of about 1.3 miles

Route 24036 Beginning at a point on Route 24020 Station 3+06 and running in an easterly direction to where Road No 395 intersects with Township Road No 387 over a section of Township Road in Benzinger Township known as Road No 395 a distance of about 2.0 miles

Route 24037 Beginning at the intersection of Road No 395 and running in a southerly direction to where Road No 387 intersects with Route 24020 Station 112+00 over a section of road in Benzinger Township known as Road No 387 a distance of about 0.50 miles

Erie County

Route 25117 Beginning at a point on Route 272 at its intersection with Route 25102 thence in a general north-easterly direction through Elk Creek and Washington Townships via Sherrod Hill and White's School to the

Edinboro Borough line in Erie County a distance of about 4.4 miles

Route 25118 Beginning at a point on the Crawford County line near Alwads thence in a northerly and northeasterly direction through Washington Township via Gibson Hill School to a point on the Edinboro Borough line at Chestnut Street in Erie County a distance of about 2.3 miles

Route 25119 Beginning at a point on Route 25018 near the McKean-Mill Creek Township line thence in a northeasterly and easterly direction through McKean-Mill Creek and Summit Townships to a point on Route 258 at its intersection with the Hershey Road thence in a northeasterly direction through Summit Township to a point on Route 351 near the Mill Creek Township line in Erie County a distance of about 3.2 miles

Route 25120 Beginning at a point on Route 87 about 0.8 of a mile east of its intersection with Route 25112 thence in a general southeasterly direction through Harbor Creek Township to a point on Route 25068 at Cass Corners in Erie County a distance of about 3.8 miles

Route 25121 Beginning at a point on Route 304 about 0.4 of a mile north of Atkins School thence easterly through North East Township to a point on Route 304 Spur about 0.3 of a mile southeast of Burd School in Erie County a distance of about 2.3 miles

Route 25122 Beginning at a point on the Platea Borough line at Peach Street thence in a general northwesterly direction through Girard Township to a point on the East Springfield Borough line in Erie County a distance of about 3.0 miles

Fayette County

Route 26150 Beginning at a point on Route 26051 near the Bear Rock School House thence in a northerly direction through Bullskin Township to a road intersection in Fayette County a distance of about 0.6 of a mile

Route 26151 Beginning at a point on Application 10 near Cochran School thence in a general southeasterly direction through Lower Tyrone Township and Upper Tyrone Township to a point on the county road at Broad Ford in Fayette County a distance of about 2.6 miles

Route 26152 Beginning at a point on Application 3657 thence in a southeasterly and southerly direction through Upper Tyrone Township to Owensdale in Fayette County a distance of about 1.0 mile

Route 26153 Beginning at the Village of Perryopolis thence in a northerly and northwesterly direction through Perry Township to a point on Route 288 about 0.3 of a mile south of the intersection of Route 288 and Route 26014 in Fayette County a distance of about 2.09 miles

Route 26154 Beginning at a point on Route 26055 near Kessler School thence in a general westerly direction through Saltlick Township to a point on Route 26051 near the Saltlick-Bullskin Township line in Fayette County a distance of about 1.8 miles

Route 26155 Beginning at a point on Route 26013 about 0.5 of a mile north of its intersection with Route 26123 thence in a southeasterly direction through Perry Township to a point on Route 2612 near the Perry-Franklin Township line in Fayette County a distance of about 1.7 miles

Forest County

Route 27024 Beginning at a point on Route 27021 north of Watson farm thence westerly through Howe Township to Route 27015 in Forest County a distance of about 1.6 miles

Route 27025 Beginning at a point on Route 27011 near the Clarion-Forest County line thence northeasterly and easterly through Barnett Township to a point on Route 27012 at Redclyffe in Forest County a distance of about 3.2 miles

Fulton County

Route 29044 Beginning at Route No 267 and running eastward on Route 355 thence northward on Route No 318 to township road No 365 thence in a northwesterly direction on No. 365 to route No 267 through Bush Creek Township Fulton County approximately three miles in length

Route 29045 Beginning at a point on Route No 29021 and following township road No 407 in an easterly direc-

tion to where it intersects township road No 406 thence following route No 406 in a northwesterly direction to route No 29021 through Licking Creek Township Fulton County approximately three miles in length

Route 29046 Beginning at a point on Route No 193 south of the Village of Fort Littleton thence in a southwesterly direction over township road No 431 through Dublin Township Fulton County to Route No 192 approximately two miles in length

Route 29047 Beginning at a point on Route No. 29025 thence in a northerly direction over township road No 438 through Taylor Township Fulton County to Route No 192 or No. 76 approximately three-fourths of a mile in length

Route 29048 Beginning at a point on Route No 29037 north of the Village of Needmore thence in a northeasterly direction over township road No 369 through Belfast Township Fulton County to Route No 29015 approximately two miles in length

Route 29049 Beginning at a point on Route No 192 just north of the Village of Knobsville thence in a southwesterly direction over township road No 415 through Todd Township Fulton County to Route No 29020 approximately three and one-half miles in length

Route 29050 Beginning at a point on Route No 323 thence in an easterly direction over township road No 339 through Thompson Township Fulton County to Route No 29004 approximately one and nine-tenths miles in length

Greene County

Route 30120 Beginning at a point on the eastern terminus of Route 30664 near the former location of the Houston School House thence in a general southeasterly direction through Cumberland Township via the Village of Nemaacolin to Nemaacolin Ferry on the Monongahela River in Greene County a distance of about 1.5 miles

Route 30121 Beginning at a point on Route 30087 near Long Run Church thence in a southeasterly and southerly direction through Richhill Jackson and Aleppo Townships to a point on Route 30065 about 0.5 of a mile west of the Aleppo-Jackson Township line in Greene County a distance of about 3.9 miles

Indiana County

Route 32171 Township Route 462 intersecting Highway Route 80 at or near Jacksonville and State Route 680 at or near McGinley Farm being approximately 2.6 miles

Route 32172 Beginning at Route 680 at or near the George Clawson Farm extending westerly over Township Route 457 intersecting at or near Lewisville Legislative Route 32004 being approximately 4.5 miles

Route 32173 Township road intersecting Highway Route No 32019 at or near the James Hannah farm extending in a southwesterly direction approximately 1 mile intersecting Highway Route 32125

Route 32174 Beginning at State Highway Route 30145 in Banks Township thence in a westerly direction through Banks Township on Route 539 then in a westerly and northerly direction through Canoe Township designated as Township Road 539 to connect with Highway Route 32100 total distance approximately 3.4 miles

Route 32175 Township Road No 818 in the Township of Canoe and County of Indiana lying between State Highway No 32105 at or near A N Tygers and State Highway No 32106 at or near John Henrys approximately 1.1 miles

Route 32176 Township road No 798 which leaves hardtop No 236 about 1 mile north of Richmond near the home of Norman Pardee and extends up the valley a distance of approximately 3 miles connecting with hardtop No 107 at or near the Blaine Wright farms

Route 32177 Beginning on the State Highway Route 228 thence in a southeasterly and a northerly direction designated as Township Roads 471 and 564 connecting with State Highway Route 572 approximately 1.5 miles

Route 32178 Beginning at a point the intersection Legislative Route 434 near Archibald School House thence in a northwesterly direction through Black Lick Township designated as Township Road 440 thence through Conemaugh Township northwest to Route known as 440 and 454 to connect with Township Road No 433 then over 433 to intersect Highway Route 32004 near Lewisville a total distance of approximately 3.5 miles

Route 32179 Beginning at a point on Route No 480 thence to a point in Highway Route No 32-138 at or near the farm of Charles Mears near Tanoma connecting Marion Center and Dixonville a distance of about $3\frac{1}{2}$ miles

Route 32180 Township road connecting Routes 32084 and 32077 with terminals at or near Mahoning Creek and at or near Rittenhouse farm and also Township Road connecting Routes 32084 and 32086 be topped approximate distance 4 miles

Route 32181 Township Route 946 from the intersection of State Route 571 to the intersection with Route 32087 about one (1) mile in length

Route 32182 From the intersection of State Route 32051 over Township Routes 864 and 633 in a southerly direction to the intersection of Route 480 at Heilwood approximately 2.2 miles

Route 32183 Beginning State Highway Route No 189 thence in a northerly direction through South Mahoning Township designated as Township Routes 380 and 390 to connect with State Highway Route 981 near Davis School House approximately 3.2 miles

Route 32184 Beginning at Station 80+12 on Route 119 in White Township and leading in a southeasterly direction to Station 53+59 on Route 80 in White Township designated as Township Route No 554 a distance of approximately 1.3 miles

Route 32185 Beginning at a point on State Highway Route 32118 thence in a northerly direction through Young Township designated as Township Route 438 to connect with State Highway Route 32032 a total distance of approximately 2.3 miles

Route 33085 Township route No. 443 from the junction of route No. 443 and State Highway No. 119 in Bell Township to the junction of route No. 443 and township route No. 524 in Gaskill Township a distance of 1.4 miles thence along township route No. 524 to the junction of route No. 524 and township route No. 628 in Gaskill Township a distance of 1.1 miles

Route 33086 Beginning State Highway Route 33008 thence in a southeasterly direction over Township Road designated as 440 through Heath Township a distance of approximately 3.6 miles thence in a northeasterly direction through Polk Township designated as Route 438 a distance of approximately 1 mile thence in a northeasterly direction through Heath Township designated as Township Route No. 438 for a distance of approximately 3.5 miles to connect with Route 33008 approximately .6 of a mile to Polk Township Line

Route 33087 Beginning at a point on Route 33020 about 0.5 of a mile east of Bansaytown thence in a general southwesterly direction through Knox Township to the Oliver Township line in Jefferson County a distance of about 2.7 miles

Route 33088 Township route No. 368 beginning at the junction of township route No. 368 and State Highway No. 63 in Oliver Township Jefferson County to the junction of route No. 368 and State Highway No. 33020 in Rose Township Jefferson County and containing 3.8 miles

Route 33089 Beginning at a point on Route 357 about 0.2 of a mile east of North Freedom thence in a general northeasterly direction through Ringgold Township to a point on Route 33003 about 0.2 of a mile south of Little Sandy Creek in Jefferson County a distance of about 1.5 miles

Route 33090 Beginning at a point on Route 650 about 0.2 of a mile north of its intersection with Route 33043 thence in a northerly direction through Washington Township to a point on Route 33044 about 1.0 mile west of its intersection with Route 33029 in Jefferson County a distance of about 1.8 miles

Route 33091 Beginning at a point on Route 33064 near Grove Summit Church thence in a general northeasterly direction through Washington Township to a point on Route 33044 near its intersection with Route 59 in Jefferson County a distance of about 2.8 miles

Route 33092 Beginning at a point on Route 33029 about 1.9 miles north of the Winslow-Washington Township line thence in a southeasterly and easterly direction through Washington Township, via Smithtown to a point

on the Falls Creek Borough line in Jefferson County a distance of about 3.3 miles

Route 33093 Beginning at a point on Route 358 about 0.4 of a mile south of its intersection with Route 33068 thence in a general southerly direction through Winslow Township via the village of Wishaw to a point on Route 33039 in Jefferson County a distance of about 2.5 miles

Route 33094 Beginning at a point on Route 33051 at its intersection with Route 33040 thence in a general easterly direction through Winslow and Henderson Townships to a point on Route 338 near its intersection with Route 33053 in Jefferson County a distance of about 2.6 miles

Juniata County

Route 34062 Beginning at a point on Route 438 about 1.0 mile southeast of Seven Stars thence in a general northeasterly direction through Greenwood and Susquehanna Townships to a point on Route 34009 about 0.6 of a mile west of its intersection with Route 34012 in Juniata County a distance of about 5.1 miles

Route 34063 Beginning at a point on Route 31 about 0.8 of a mile southeast of its intersection with Route 34047 thence in a general easterly direction through Walker Township to a point on Route 34030 about 0.9 of a mile south of its intersection with Route 34049 in Juniata County a distance of about 1.2 miles

Route 34064 Beginning at a point on Route 349 about 0.3 of a mile northeast of its intersection with Route 34024 thence in a northerly direction through Milford Township via Farmdale to a point on Route 34004 about 0.2 of a mile southeast of its intersection with Route 34056 in Juniata County a distance of about 1.3 miles

Route 34065 Beginning at a point on Route 437 about 0.75 of a mile southwest of its intersection with Route 193 thence in an easterly direction through Beale Township to a point on Route 34005 about 1.0 mile northeast of its intersection with Route 34028 in Juniata County a distance of about 1.9 miles

Route 34066 Beginning at a point on Route 275 about 0.8 of a mile northeast of its intersection with Route 31 thence in a general northeasterly direction through Delaware Township to a point on Route 34017 about 1.7 miles southeast of its intersection with Route 275 in Juniata County a distance of about 2.15 miles.

Route 34067 Beginning at a point on the Farmanagh-Fayette Township line about 0.75 of a mile north of Route 34008 thence in an easterly and southeasterly direction through Fayette Township to a point on Route 34007 near its intersection with Route 34022 in Juniata County a distance of about 2.68 miles

Route 34068 Beginning at a point on Route 34020 near its intersection with Route 275 thence in a northeasterly direction through Fayette Township to the Fayette-Monroe Township line about 0.8 of a mile south of Route 194 in Juniata County a distance of about 1.65 miles

Route 34069 Beginning at a point on Route 34008 about 0.1 of a mile northwest of the Fayette-Farmanagh Township line thence in a general northwesterly direction through Farmanagh Township to a road intersection in Juniata County a distance of about 1.9 miles

Route 34070 Beginning at a point on Route 45 near Waterloo thence in a northerly and northeasterly direction through Lack Township to a point on Route 34001 about 2.0 miles southwest of its intersection with Route 34044 in Juniata County a distance of about 2.2 miles.

Route 34071 Beginning at a point on Route 34011 about 0.75 of a mile southwest of its intersection with Route 194 thence in a general easterly direction through Monroe Township to the Juniata-Snyder County line about 0.4 of a mile south of Route 34016 in Juniata County a distance of about 3.7 miles

Route 34072 Beginning at a point on Route 34039 about 1.42 miles east of its intersection with Route 34040 thence easterly through Spruce Hill Township to a road intersection about 0.9 of a mile south of Route 45 in Juniata County a distance of about 2.0 miles

Route 34073 Beginning at a point on the Perry-Juniata County line about 1.1 miles northeast of the Spruce Hill-Turbett Township line thence in a northwesterly north-

easterly and general northerly direction through Turbett Township to a point on Route 45 about 0.8 of a mile southwest of its intersection with Route 34025 in Juniata County a distance of about 5.4 miles

Route 34074 Beginning at a point on Route 34003 about 2.3 miles southwest of its intersection with Route 34026 thence in a northerly westerly and northerly direction through Tuscarora Township to a point on Route 34043 near the Tuscarora-Lack Township line in Juniata County a distance of about 2.0 miles

Route 34075 Beginning at a point on Route 34026 about 0.8 of a mile southeast of Route 34003 thence in a northeasterly direction through Tuscarora Township to a point on Route 34055 about 1.0 mile south of Route 34045 in Juniata County a distance of about 2.0 miles

Route 34076 Beginning at a point on Route 34007 about 0.6 of a mile north of its intersection with Route 637 thence in a general northeasterly direction through Walker Township to a point on the Walker-Delaware Township line in Juniata County a distance of about 2.25 miles

Route 34077 Beginning at a point on Route 193 at Reeds Gap thence in a northwesterly and southwesterly direction through Tuscarora and Lack Township via Mt Pleasant School to the Huntingdon County line in Juniata County a distance of about 11.1 miles

Route 34078 Beginning at a point on Route 34007 near the Free Spring School thence in a general northeasterly direction through Walker Township to a point on the Fayette-Walker Township line in Juniata County a distance of about 1.8 miles

Route 34079 Beginning at a point on Route 195 near the Perry County line thence in a general westerly direction through Susquehanna Township to a point on Route 34061 about 0.2 of a mile east of its intersection with Route 34012 in Juniata County a distance of about 2.9 miles

Route 34080 Beginning at a point on Route 194 in the village of Richfield thence in a southerly and easterly direction through Monroe Township to a point on Route 194 at its intersection with Market Street in Juniata County a distance of about 0.25 of a mile

Lackawanna County

Route 35061 Beginning at a point on Route 35060 about 1.5 miles southeast of its intersection with Route 35026 thence in a southeasterly direction through Fell Township to a point on Route 35047 in Lackawanna County a distance of about 1.8 miles

Route 35062 Beginning at the intersection of Route 35030 thence in a northeasterly direction over Township Road 544 to the intersection with Route 648 in Benton Township Lackawanna County a distance of approximately 1.2 miles

Route 35063 Beginning at a point on State Highway Route 35027 thence in a northeasterly direction through Benton Township Lackawanna County over Township Road 550 to the intersection with State Highway Route 35028 a distance of approximately 1.0 mile

Route 35064 Beginning at a point on Route 35026 approximately 3.0 miles northeast of the Wyoming County line thence southeasterly through Benton Township to a point intersecting Route 35030 approximately 1.7 miles west of Wallsville in Lackawanna County a distance of about 1.5 miles

Route 35065 Beginning at a point on Route 35022 near its intersection with Application 508 thence in a northerly and northeasterly direction through Glenburn and Abington Townships to Application 4357 thence in an easterly direction to a point on Route 365 Spur about 0.1 of a mile south of its intersection with Route 35031 in Lackawanna County a distance of about 2.1 miles

Route 35066 Beginning at a point on Route 9 about 0.5 of a mile southeast of its intersection with the Dalton Borough-Glenburn Townships line thence in a general northeasterly direction through Glenburn Township to a point on the Dalton Borough line near its intersection with the Glenburn-Abington Township line in Lackawanna County a distance of about 1.0 mile

Route 35067 Beginning at a point on Route 440 about 0.6 of a mile west of its intersection with Route 35018

thence in a general northwesterly direction through Newton Township to a point on Route 365 about 0.3 of a mile west of its intersection with Route 35017 in Lackawanna County a distance of about 0.7 of a mile

Route 35068 Beginning at the intersection with State Highway Route 665 and Township Route 302 in the Borough of Gouldsboro thence in a northeasterly direction of Township Route 302 through Lehigh and Clifton Townships Lackawanna County to the intersection with Route 35045 a distance of approximately 4.8 miles

Route 35069 Beginning at the end of Legislative Route 35057 in the village of Lehigh thence in a northeasterly direction through Covington Township Lackawanna County over Township Road Number 346 to the intersection with Legislative Route 35002 a distance of approximately 3.3 miles

Route 35070 Beginning at Route 615 Spur thence on Township Road No 521 to the entrance to Newton Lake Park through Greenfield Township Lackawanna County a distance of approximately 0.75 miles

Route 35071 Beginning at Route 615 Spur thence in a northwesterly direction over Township Roads 511 and 566 to the intersection with State Highway Route 615 in Greenfield Township Lackawanna County a distance of approximately 2.2 miles

Route 35072 Beginning at the Scott Greenfield Township line Lackawanna County the intersection of Township Road 465 and Township Road 512 thence over Township Road 512 through Greenfield and Fell Townships to the intersection with State Highway Route 174 a distance of approximately 2.45 miles

Route 35073 Beginning at the intersection of State Highway Route 615 Spur and Township Road 521 in Greenfield Township thence easterly over Township Road 521 through Greenfield and Fell Townships to the intersection with Township Road 624 in Fell Township thence southeast over Township Road 624 to the intersection with Legislative Route 35026 a distance of approximately 1.9 miles

Route 35074 Beginning at the intersection of Township Route 389 and State Highway Route 365 in Newton Township thence northwest over Township Route 389 to the Wyoming County line a distance of approximately .7 of a mile

Route 35075 Beginning at a point on State Highway Route 440 approximately 1.2 miles northeast of Newton Centre thence in an easterly direction through Newton Township to a point intersecting Route 35015 approximately 3.6 miles northeast of the Ransom Township line in Lackawanna County a distance of about 1.9 miles.

Route 35076 Beginning at a point on Route 365 east of the intersection of Route 365 and Route 35017 thence in a northeasterly direction past Ford's Pond through Newton and Glenburn Townships to the intersection with Route 35053 a distance of about 2.5 miles

Route 35077 Beginning at the intersection of Turnpike Route 952 and Township Road 390 thence in a northeasterly direction over Township Road 390 through Newton and South Abington Townships Lackawanna County to the intersection with State Highway Route 671 a distance of approximately 1.8 miles

Route 35078 Beginning at Scranton City-Ransom Township line thence in a northwesterly direction over Township Roads No 373 and 371 to the intersection with Township Road 378 through Ransom and Newton Townships to the intersection with State Highway Route No 35015 a distance of approximately 2.46 miles

Route 35079 Beginning at the intersection of Routes 35011 and 440 near Ransom thence in a northerly direction paralleling the Susquehanna River over Township Road No 358 through Ransom and Newton Townships to the Lackawanna County-Wyoming County line at the beginning of Route 65056 in Lackawanna County a distance of about 3.2 miles

Route 35080 Beginning at the intersection with Route 35009 and Township Road 323 thence in a southeasterly direction of Township Route 323 and Township Route 325 through Roaring Brook Township Lackawanna County to the intersection with Route 35008 a distance of approximately 1.8 mile

Route 35081 Beginning at the intersection with Route

533 in the village of Justice thence in a northeasterly direction through Scott Township Lackawanna County over Township Route 482 to the intersection with Route 35034 a distance of approximately three miles

Route 35082 Beginning at a point on Route 954 about one-quarter of a mile north of Blakely Borough-Scott Township line in Scott Township Lackawanna County thence in a northerly direction over township road 484 to its intersection with township road 482 a distance of approximately 1.4 miles

Route 35083 Beginning at the intersection with Route 615 Spur thence in a northwesterly direction through Scott Township Lackawanna County over Township Route 506 to the intersection with Route 615 a distance of approximately 1.4 mile

Route 35084 Beginning at a point on Route 35034 approximately 0.9 of a mile southwest of Scott thence in a northwesterly direction through Scott Township to a point intersecting Route 35033 approximately 0.1 of a mile south of Jordan Hollow in Lackawanna County a distance of about 1.0 mile

Route 35085 Beginning at the intersection of State Highway Route 648 and Township Road 514 in Scott Township Lackawanna County thence northeast over Township 514 in Scott Township Lackawanna County thence northeast over Township Road 514 to the intersection with Township Road 467 thence northeast over Township Road 467 through Carbondale to the Greenfield Township line thence over Township Road 465 on the boundary line between Greenfield and Scott Townships to the intersection with State Highway Route 615 Spur a distance of approximately 2.4 miles

Route 35086 Beginning at the intersection with Route 9 near the City Line of Scranton thence in a northerly direction through South Abington Township Lackawanna County over Township Routes 444 and 446 to the intersection with Route 35021 in the village of Edella a distance of approximately 4.2 miles

Route 35087 Beginning at the intersection of Route 35013 and township route 456 in South Abington Township thence northeast over township road 456 through South Abington Township and North Abington to the intersection with township route 433 thence southeast over township route 433 through North Abington and Abington Township to the intersection with Route 35059 in Abington Township Lackawanna County a distance of about 1.30 miles

Route 35088 Beginning at the intersection with Legislative Route 439 thence in a northerly direction over Township Road Number 314 through Springbrook Township Lackawanna County to the intersection with Legislative Route 35007 a distance of approximately 1.6 miles

Route 35089 Beginning at a point on Route 439 about 0.5 of a mile west of Spring Brook thence in a northwesterly direction to an intersection with Route 35007 about one mile north of its intersection with Route 439 in Spring Brook Township Lackawanna County a distance of about 1.0 mile

Route 35090 Beginning at the intersection of Legislative Route 35043 and Township Road 434 in West Abington Township thence in southwesterly direction over Township Road 434 to the boundary line between Wyoming and Lackawanna County a distance of approximately 1.3 of a mile

Route 35091 Beginning at the Wyoming-Lackawanna County line and extending Rural Route 65058 in a northerly direction over Township Route No. 434 through West Abington Township Lackawanna County to the intersection with Rural Route No. 35043 a distance of approximately 1.3 miles.

Route 35092 Beginning at a point on State Highway Route Number 35023 at Walls Corners thence in a southwesterly direction over Township Road Number 430 to the Wyoming County Line through West Abington Township Lackawanna County a distance of approximately 1.3 miles

Lancaster County

Route 36179 Beginning at a point on Route 36168 about 0.1 of a mile west of its intersection with Route 36050 thence northerly through Brecknock Township to

a point on Route 36049 about 1.0 mile west of its intersection with Route 518 in Lancaster County a distance of about 0.8 of a mile

Route 36180 Beginning at a point on Route 36081 about 0.5 of a mile northwest of Nine Points thence in a northeasterly direction through Bart and Sadsbury Township to a point on Route 344 near Smyrna in Lancaster County a distance of about 2.4 miles

Route 36181 Beginning at a point on Route 36011 about 0.7 of a mile southeast of its intersection with Route 36051 thence easterly through Strasburg and Eden Townships to a point on Route 36105 near the Eden-Paradise Township line in Lancaster County a distance of about 1.3 miles

Route 36182 Beginning at a point on Route 36011 about 1.0 mile south of the Strasburg Borough line thence easterly and northerly through Strasburg Township to a point on State-aid Application 5821 about 0.5 of a mile southeast of the Strasburg Borough line in Lancaster County a distance of about 1.7 miles

Route 36183 Beginning at a point on Route 36142 about 1.0 mile southwest of Route 36022 thence northwesterly through Colerain and Bart Townships to a point on Route 36009 about 0.1 of a mile north of the Colerain-Bart Township line in Lancaster County a distance of about 2.1 miles

Route 36184 Beginning at a point on Route 527 at its intersection with Route 36086 thence northeasterly through Colerain Township to a point on Route 36009 about 0.3 of a mile southwest of the Bart-Colerain Township line in Lancaster County a distance of about 1.8 miles.

Route 36185 Beginning at a point on Route 527 near Collins thence northeasterly through Colerain Township to Route 36086 at the Colerain-Eden Township line beginning again on Route 36086 about 0.3 of a mile north of the Colerain-Eden Township line thence easterly and northerly through Eden Township to a point on Route 344 about 0.7 of a mile east of Route 36011 in Lancaster County a distance of about 2.8 miles

Route 36186 Beginning at a point on Route 527 at Route 36096 near the Union Presbyterian Church thence northeasterly through Colerain Township to a point on Route 36022 about 1.0 mile south of Route 36089 in Lancaster County a distance of about 2.8 miles

Route 36187 Beginning at a point on Route 344 about 0.5 of a mile northeast of Route 36005 near Bethesda thence in a general northerly direction through Martie township to a point on Route 332 about 0.7 of a mile west of Route 36039 in Lancaster County a distance of about 5.6 miles

Route 36188 Beginning at a point on Route 36016 near Hopkins Mill thence southeasterly through East Drumore Township to a point on Route 136 about 0.4 of a mile north of Mechanics Grove in Lancaster County a distance of about 2.4 miles

Route 36189 Beginning at a point on Route 36005 about 0.1 of a mile northwest of Route 36010 near the Presbyterian Church thence easterly through Drumore Township to Route 36007 on the Drumore-East Drumore Township line in Lancaster County a distance of about 0.7 of a mile

Route 36190 Beginning at a point on Route 36010 about 1.0 mile northwest of McSparran thence northeasterly through Fulton Township to a point on Route 36007 near the Fulton-Drumore Township line in Lancaster County a distance of about 2.6 miles

Route 36191 Beginning at the intersection of Routes 136 and 36092 thence easterly and northeasterly through Fulton and Little Britain Townships to a point on Route 36093 about 0.6 of a mile east of the Fulton-Little Britain Township line in Lancaster County a distance of about 1.0 mile

Route 36192 Beginning at the intersection of Routes 36093 and 345 thence easterly and southerly through Little Britain Township to a point on Route 608 about 0.7 of a mile east of Little Britain in Lancaster County a distance of about 0.9 of a mile

Route 36193 Beginning at a point about 0.6 of a mile southeast of Route 345 thence northeasterly and

northerly through Little Britain Township to a point on Route 36018 in Lancaster County a distance of about 2.6 miles

Lawrence County

Route 37081 Beginning at a point on Route 350 about 0.5 of a mile north of the cement bridge thence extending in a general northerly northwesterly and northerly direction through Perry Wayne and Slippery Rock Townships to a point on Route 37067 about 0.9 of a mile east of its intersection with Route 315 in Lawrence County a distance of about 4.2 miles

Route 37082 Beginning at a point on the northern terminus of Route 37080 thence in a northeasterly and easterly direction through Washington Township to a point on Route 246 about 0.3 of a mile south of the intersection of Route 37046 with Route 246 in Lawrence County a distance of about 2.1 miles

Lehigh County

Route 39144 Beginning at a point on Route 39107 about 1.8 miles northeast of the intersection of Routes 39077 and 39107 thence northerly westerly southwesterly and northwesterly through Upper Saucon Salisbury and Upper Milford Townships to a point on the south line of Emmaus Borough at Second Street in Lehigh County a distance of about 2.3 miles

Route 39115 Beginning at a point on Legislative Route No 39082 at or near Grims School about mid-way between New Smithville and Stines Corner thence in a northwesterly direction through Weisenberg Township to a point on the Berks County line in Lehigh County a distance of about 1.2 miles

Route 39116 Beginning at a point on State Application 745 in the village of Slatedale Lehigh County at a point near Werley's Hotel thence continuing northerly to an intersection with Township Route No. 785 approximately 1.1 miles in length

Route 39117 Beginning at a point on State Highway Route 39071 in South Whitehall Township approximately 1 mile west of Guthsville thence in a northerly direction through South Whitehall Township intersecting Route 39048 in North Whitehall Township approximately 0.25 miles west of Kernsville thence in a westerly direction through North Whitehall Township to a dividing line between North Whitehall Township and Lowhill Township thence in a northerly direction through a portion of Lowhill Township to a point where it intersects Highway Route 39058 in Lowhill Township a distance of about 3.2 miles

Route 39118 Beginning at a point on Route 39081 about 0.4 of a mile north of the intersection of Routes 39076 and 39081 thence northerly through Upper Saucon Township to a point on the Salisbury-Upper Saucon Township line in Lehigh County a distance of about 0.5 of a mile

Route 39119 Beginning at a point on Route 39003 about 0.6 of a mile northwest of the Bucks-Lehigh County line thence northeasterly and easterly through Lower Milford Township to a point on the Bucks County line in Lehigh County a distance of about 1.5 miles

Luzerne County

Route 40090 Beginning at a point on Route 935 about 0.5 of a mile east of Gregory thence in a northerly direction through Hunlock Township to a point on Route 40069 about 0.5 of a mile east of Prichard in Luzerne County a distance of about 2.5 miles

Route 40091 Beginning at a point on Route 40044 near the Plains Township-Bear Township line thence in a general easterly direction through Bear Creek and Plains Townships to a point on Route 665 about 1.5 miles south of the Jenkins-Bear Creek Township line in Luzerne County a distance of about 7.0 miles

Route 40092 Beginning at a point on the Salem Township-Schickshinny Borough line thence in a general southwesterly direction through Salem Township paralleling Little Schickshinny Creek to a point on the Luzerne-Columbia County line in Luzerne County a distance of about 4.2 miles

Route 40093 Beginning at a point on Route 40030 in

Moconagua thence in a southerly and easterly direction on Jeannette Street to Route 655 in Conyngham Township Luzerne County a distance of about 0.5 of a mile.

Route 40094 Beginning at a point on Route 40058 about 0.2 of a mile west of its intersection with Route 361 thence in a general southwesterly direction through Jackson Township to a point on Route 40060 near the Lehman Township Line in Luzerne County a distance of about 3.0 miles

Mercer County

Route 43107 Beginning at a point on Route 43070 near the New Vernon Township line thence in a southeasterly direction through Mill Creek Township to a point on Route 294 near Kerrtown School in Mercer County a distance of about 2.2 miles

Route 43108 Beginning at a point on Route 43041 near Jennings Corners thence in a northeasterly direction through East Lackawanock Township to a point on Route 74 in Mercer County a distance of about 2.7 miles

Mifflin County

Route 44036 Beginning at a point on Route 44002 near Krick School thence in a general southeasterly direction through Decatur Township to a point on the Snyder County line in Mifflin County a distance of about 1.7 miles

Route 44037 Beginning at a point on Route 44016 at its intersection with Route 44025 thence in a general southwesterly direction through Decatur Township to a point on Route 44014 near Alfrata in Mifflin County a distance of about 2.6 miles

Route 44038 Beginning at a point on Route 44029 about 0.2 of a mile south of its intersection with Route 29 thence in a general northerly direction through Derry Township to the Burnham Borough line in Mifflin County a distance of about 0.8 of a mile

Route 44039 Beginning at a point on Route 29 near the Lewistown Borough line thence in a general northwesterly direction through Derry Township to the Granville-Township line in Mifflin County a distance of about 1.2 miles

Route 44040 Beginning at a point on Route 44007 at its intersection with Route 44002 thence in a northeasterly direction through Derry Township to the Decatur Township line in Mifflin County a distance of about 1.4 miles

Route 44041 Beginning at a point on Route 44031 near the Derry Township line thence in a southerly direction through Granville Township to a point on the Lewistown Borough line in Mifflin County a distance of about 0.18 of a mile

Route 44042 Beginning at a point on Route 44013 about 0.5 of a mile west of its intersection with the Lewistown Borough line thence in a general westerly direction through Granville Township to a point on Route 44001 in Mifflin County a distance of about 3.5 miles

Route 44043 Beginning at a point on Route 44001 near Fairview School House thence in a general southerly and southwesterly direction through Wayne Township to a point on Route 44001 in Mifflin County a distance of about 3.0 miles

Route 44044 Beginning at a point on Application 2763 about 0.3 of a mile south of Siglerville thence in a general southwesterly direction through Armagh Township to a point on Application 2763 in Mifflin County a distance of about 2.9 miles

Route 44045 Beginning at a point on Route 44003 thence in a southeasterly direction through Bratton Township to a point on the Juniata County line in Mifflin County a distance of about 6.6 miles

Route 44046 Beginning at a point on Route 44035 near Belleville thence in a southeasterly and southwesterly direction through Union Township to a point on Route 44033 in Mifflin County a distance of about 1.3 miles

Route 44047 Beginning at a point on Route 192 at Cedar Hills thence in a northwesterly direction through Brown Township to a point on Route 44005 near Barrville School in Mifflin County a distance of about 2.3 miles

Montgomery County

Route 46197 Beginning at a point on Route 151 at its intersection with Route 46094 in Willow Grove thence in a southwesterly direction through Upper Moreland Town-

ship to a point on Route 198 at the Upper Moreland-Abington Township line in Montgomery County a distance of about 0.16 of a mile

Route 46198 Beginning at a point on Route 151 and thence in a southwesterly direction on the line dividing Horsham and Upper Moreland Townships to a point on Route 198 in Montgomery County a distance of about 1.19 miles

Northampton County

Route 48096 Beginning at a point on Route 48083 about 0.8 of a mile north of the Washington Township-Lower Mount Bethel Township line thence in a northwesterly direction through Washington Township to a point on Route 48033 about 0.9 of a mile west of its intersection with Route 48083 in Northampton County a distance of about 1.4 miles

Route 48097 Beginning at a point on Garibaldi Street at the Roseto Borough line thence in a northwesterly direction through Washington Township to a point on Route 48032 in Northampton County a distance of about 0.2 of a mile

Route 48098 Beginning at a point on the Plainfield Township-Wind Gap Borough line at Male Street thence in a northwesterly direction through Plainfield and Bushkill Townships to a point on Route 48088 in Northampton County a distance of about 0.7 of a mile

Northumberland County

Route 49112 Beginning at a point on Route 49109 about 1.4 miles west of the Jordan-Washington Township line thence in a westerly direction through Washington Township to a point on Route 49009 in Northumberland County a distance of about 1.5 miles

Route 49113 Beginning at a point on Route 49010 about 0.5 of a mile east of Reback thence in a southerly direction for a distance of about 1.7 miles thence southeasterly for 0.6 of a mile thence southerly for 0.3 of a mile to a point on Route 49109 about 0.5 of a mile west of the Jordan-Washington Township line in Washington Township Northumberland County a total distance of about 2.6 miles

Route 49114 Beginning at a point on Route 49010 about 400 feet west of the Leck Kill Post Office thence in a general southerly direction through Upper Mahanoy Township to a point on Route 53085 at the Northumberland-Schuylkill County line in Northumberland County a distance of about 3.0 miles

Perry County

Route 50051 Beginning at a point on Route 195 about 0.8 of a mile north of its intersection with Route 50016 thence in a westerly direction through Buffalo Township to a point on Route 50002 in Perry County a distance of about 0.8 of a mile

Route 50052 Beginning at a point on Route 50003 near the Glenvale Church thence in a general easterly direction through Rye Township to a point on the Marysville Borough line in Perry County a distance of about 3.1 miles

Route 50053 Beginning at a point on the Penn Township-Duncannon Borough line at the Devonshire Road thence in a northerly and northwesterly direction through Penn Wheatfield and Miller Townships via King's Mill and Montebello to a point on Route 50004 at Pine Grove School in Perry County a distance of about 6.0 miles

Route 50054 Beginning at a point on Route 31 about 0.6 of a mile northeast of its intersection with Route 50004 thence in a general northerly direction through Center and Juniata Townships to a point on Route 305 about 0.3 of a mile south of its intersection with Route 50047 in Perry County a distance of about 3.6 miles

Route 50055 Beginning at a point on Route 50008 about 1.2 miles north of its intersection with Route 50001 thence in a northeasterly direction through Northeast Madison and Saville Townships to a point on Route 50012 about 0.8 of a mile east of the Northeast Madison-Saville Township line in Perry County a distance of about 2.5 miles

Route 50056 Beginning at a point on Route 305 about 0.5 of a mile northwest of its intersection with Route 50013 thence in a general northeasterly direction through Oliver Township to a point on Route 50013 in Perry County a distance of about 0.5 of a mile

Route 50057 Beginning at a point on Route 50007 about

1.0 mile east of the Toboyne-Jackson Township line thence in a general northerly direction through Jackson Township to a point on Route 122 about 0.7 of a mile west of Blain Borough in Perry County a distance of about 1.3 miles

Route 50058 Beginning at a point on Route 50043 near the intersection of Route 50043 and 50006 thence in a general easterly direction through Spring and Carroll Townships to a point on Route 40 about 1.0 mile northwest of the Cumberland County line in Perry County a distance of about 7.1 miles

Route 50059 Beginning at the westerly end of Route 50007 thence in a southeasterly and northeasterly direction through Toboyne Township to the westerly end of Route 50001 in Perry County a distance of about 3.0 miles

Route 50060 Beginning at a point on Route 191 about 0.2 of a mile south of its intersection with Route 50011 thence in a general easterly direction through Saville and Center Townships to a point on Route 50006 about 1.0 mile south of Manville in Perry County a distance of about 3.9 miles

Route 50061 Beginning at a point on Route 50040 about 0.3 of a mile north of its intersection with Route 50002 thence in a northerly and northeasterly direction through Howe and Greenwood Townships to a point on Route 50046 in Perry County a distance of about 1.3 miles

Route 50062 Beginning at the intersection of Routes 50008 and 50050 at Couchtown thence in a westerly direction over township road through Southwest Madison and Jackson Townships to its intersection with Route 50001 at Manassas Church in Perry County a distance of about 1.3 miles

Schuylkill County

Route 53107 Beginning at a point on Route 53088 in the village of Raven Run thence extending in a northerly and westerly direction through West Mahanoy Township to a point on the Butler Township line in Schuylkill County a distance of about 1.1 miles

Snyder County

Route 54065 Beginning at a point on Route 54058 Station 25+28 on the Beavertown Borough-Beaver Township line thence in an easterly direction through Beaver Township to a point on Route 690 at Station 185+81 in Snyder County a distance of about 3.04 miles

Route 54066 Beginning at a point on Route 194 at its intersection with Route 54002 thence northerly and westerly through West Perry Township to a point on Route 54001 in Snyder County a distance of about 4.0 miles

Route 54067 Beginning at a point on Route 25 about 0.25 of a mile east of the Penn-Middle Creek Township line thence in a general southeasterly direction through Penn Township to a point on Route 54041 near Kantz in Snyder County a distance of about 3.1 miles

Somerset County

Route 55156 Beginning at a point on Route 50 about 0.1 of a mile south of its intersection with Route 55008 thence in a westerly and southerly direction through Addison Township to a point on the Addison Borough line in Somerset County a distance of about 1.8 miles

Route 55157 Beginning at a point on Route 55046 about 1.0 mile north of its intersection with Route 49 thence in a northeasterly direction through Stony Creek Township to a point on Route 55053 in Somerset County a distance of about 1.0 mile

Route 55158 Beginning at a point on the Shanksville Borough line at Bridge Street thence in a northerly direction through Stony Creek Township to a point on Route 55069 in Somerset County a distance of about 1.4 miles

Route 55159 Beginning at a point on Route 55062 thence in an easterly northerly and westerly direction through Stony Creek Township to a point on Route 456 in Somerset County a distance of about 3.8 miles

Route 55160 Beginning at a point on Route 55068 about 1.0 mile south of its intersection with Route 55075 thence in a general southeasterly direction through Stony Creek

Township to a point on Route 55069 in Somerset County a distance of about 2.1 miles

Susquehanna County

Route 57137 Beginning at a point on Route 57095 at Five Corners thence in a northerly direction through Brooklyn Township to a point on Route 57108 about 0.4 of a mile west of its intersection with Route 939 in Susquehanna County a distance of about 0.9 of a mile

Tioga County

Route 58115 Beginning on the East Creek Road in Covington Township at the Blossburg Borough line and thence easterly following the East Creek Road a distance of 2.1 miles to the Blake Road thence southerly on the Blake Road .8 of a mile to the Hamilton Township line thence in Hamilton Township 1.8 miles to its intersection with Route 58057 in the village of Morris Run

Route 58116 Beginning on Route 58038 in Charleston Township approximately .6 of a mile west of the intersection of Routes 58038 and 58040 thence in a southerly direction 1.9 miles to an intersection with another township road running from Round Top to Maple Hill

Route 58117 Beginning on Route 58008 in Brookfield Township approximately 1.9 miles north of the Westfield Township line thence northerly 1.3 miles to an intersection with the South Road thence westerly 1.8 miles to an intersection with State Highway Route 58007 all in Brookfield Township

Venango County

Route 60076 Beginning at a point on Route 60044 at Oakland Corners thence in an easterly direction through Oakland and Cherry Tree Townships to a point on Route 60032 about 0.2 miles south of its intersection with Route 205 at the Village of Cherry Tree in Venango County a distance of approximately 2.1 miles

Route 60077 Beginning at a point on Route 60037 about 0.1 mile south of the Venango-Crawford County line at Peters' Corners thence in an easterly and southeasterly direction through Canal and Oakland Townships to a point on the westerly line of Cooperstown Borough on Church Street in Venango County a distance of approximately 5.2 miles

Route 60078 Beginning at a point on State Highway Rural Route No. 60065 and proceeding in a northerly direction on a township road through the township of Scrubgrass Venango County to the end of the said township road at a point above the Allegheny River near the old ferry landing opposite Rockland Station a distance of approximately one mile

Route 60079 That portion of the present route application 190 passing through the Village of Seneca being abandoned by reason of relocation of the highway approximately one and three quarters miles

Warren County

Route 61064 Beginning at a point on Route 61030 near Daly School thence in a northwesterly direction through Pleasant Township to a point on Route 61030 near Lenharts Corners in Warren County a distance of about 3.2 miles

Route 61065 Beginning at a point on Route 61038 about 0.5 of a mile southeast of Russell thence in a northeasterly direction through Pine Grove and Elk Townships to a point on Route 61039 about 0.5 of a mile northwest of Germany in Warren County a distance of about 6.3 miles

Route 61066 Beginning at a point on Route 94 about 0.5 of a mile north of its intersection with Route 61052 thence in an easterly direction through Pine Grove Township to a point on Route 61052 about 0.25 of a mile west of Goudtown in Warren County a distance of about 1.7 miles

Route 61067 Beginning at a point on the north borough line of Youngsville thence in a northerly direction through Brokenstraw and Sugar Grove Townships to a point on Route 61063 about 0.5 of a mile west of Chandlers Valley in Warren County a distance of about 5.3 miles

Route 61068 Beginning at a point on the north borough line of Warren thence in a northwesterly direction through Glade Township to a point on Route 61036 about 0.25 of a mile northeast of the Warren Borough line in Warren County a distance of about 0.72 of a mile

Route 61069 Beginning at the easterly end of Route 88 Spur in the village of Columbus thence in a general easterly direction through Columbus Township to a point on Route 61018 north of Backus Corners in Warren County a distance of about 2.4 miles

Route 62187 Beginning at a point on the Fallowfield Township-North Charleroi Borough line at Bierheaux's Greenhouse thence in a general southwesterly direction through Fallowfield Township to a point on Route 62048 about 1.0 mile east of its intersection with Route 62050 in Washington County a distance of about 0.8 of a mile

Route 62188 Beginning at a point on Route 247 about 0.25 of a mile north of the North Charleroi Borough-Fallowfield Township line thence in a general southwesterly and southerly direction through Fallowfield Township to a point on a township road about 0.2 of a mile west of the North Charleroi Borough line in Washington County a distance of about 0.9 of a mile

Route 62189 Beginning at a point on the Washington City-North Franklin Township line thence in a southerly direction through North Franklin and South Franklin Townships via McElree School to a point on Route 62128 about 0.5 of a mile east of its intersection with Route 62067 in Washington County a distance of about 2.7 miles

Route 62190 Beginning at a point on Route 545 near its intersection with Route 735 thence in a southwesterly direction through Independence Township to a point on Route 545 near Avella School in Washington County a distance of about 1.7 miles

Wayne County

Route 63106 Beginning at a point on Route 63091 near Fallsdale thence easterly through Damascus Township along the North Branch of Calkins Creek to a point on Route 63101 about 0.8 of a mile south of Tyler Hill in Wayne County a distance of about 2.3 miles

Westmoreland County

Route 64255 Beginning at a point in South Ligonier Street at line of Derry Borough and extending in a southeasterly direction across Chestnut Ridge a distance of approximately three and one-fourths miles to a point known as the "Austrow farm" at a point in highway No. 64071 and then beginning at a point in North Fork on State Highway No. 64071 at present improved portion and extending in a northeasterly direction over "Austrow farm point" to a point on improved State Highway No. 259 at a point near Covode School a distance of approximately five and one-fourth miles through Derry Township Fairfield Township and Ligonier Township an approximate total of eight and one-half miles

Route 64256 Beginning at a point on Route 187 near Murraysville thence in a general northeasterly direction through Franklin Township to a point on Route 64247 about 1.25 miles northwest of its intersection with Route 64036 in Westmoreland County a distance of about 3.0 miles

Wyoming County

Route 65074 Beginning at a point on Route 65005 in the village of Eatonville thence in a northerly direction through Eaton Township to a point on Route 11 in Wyoming County a distance of about 0.15 of a mile

York County

Route 66205 Beginning at a point on Route 216 at Collinsville thence in a general northerly direction through Chanceford Township to a point on Route 66013 about 1.0 mile north of the intersection of Route 66013 and Route 216 in York County a distance of about 2.3 miles

Route 66206 Beginning at a point on Route 216 about 0.3 of a mile west of its intersection with the northwesterly borough line of Dallastown thence in a general northwesterly and southerly direction through York Township to a point on Route 216 near its intersection

with Route 66140 in York County a distance of about 1.1 miles

Route 66207 Beginning at a point on Route 216 about 0.5 of a mile west of its intersection with Route 66141 thence in a northerly direction through Windsor Township to the Windsor Borough line in York County a distance of about 0.7 of a mile

Route 66208 Beginning at a point on Route 66050 about 0.3 of a mile east of its intersection with Route 127 thence in a northerly direction through York Township to a point on Route 127 about 0.1 of a mile south of the intersection of Routes 66052 and 127 in York County a distance of about 1.4 miles

Paradise Township

Route 66209 Beginning at a point on Route 66005 near Swam thence northeasterly through Paradise Township to the intersection of Routes 66008 and 66046 near Harbolts School in York County a distance of about 1.8 miles

Warrington Township

Route 66210 Beginning at a point on Route 124 near the Carroll-Warrington Township line thence easterly through Warrington Township to Route 66202 about 1.5 miles south of Elcock's School in York County a distance of about 3.15 miles

Route 66211 Beginning at the Wellsville Borough-Warrington Township line thence easterly and northeasterly through Warrington Township to a point on Route 124 about 0.1 of a mile northwest of Route 66037 in York County a distance of about 2.15 miles

North Codrus Township

Route 66212 Beginning at a point on Route 66132 about 0.6 of a mile east of Route 66007 thence northeasterly through North Codorus Township to a point on Route 492 about 0.5 of a mile south of Boyer's School in York County a distance of about 2.5 miles

Route 66213 Beginning at a point on Route 230 near Ambau thence northeasterly through North Codorus Township to a point on State-aid Application 2003 near Berkheimer's School in York County a distance of about 1.5 miles

Manchester And East Manchester Townships

Route 66214 Beginning at a point on Route 66021 about 0.2 of a mile northwest of Route 66086 thence northeasterly and southeasterly through Manchester and East Manchester Townships to a point on Route 66020 near the Sprinettisbury Township line in York County a distance of about 1.4 miles

Penn Township

Route 66215 Beginning at a point on Route 66080 about 0.5 of a mile north of its intersection with Routes 66081 and 66158 thence easterly through Penn Township to the intersection of Routes 190 and 66079 in York County a distance of about 1.95 miles.

Dover Township

Route 66216 Beginning at a point on Route 66002 about 0.4 of a mile southwest of the village of Newport thence southeasterly through Dover Township to a point on Route 66046 about 0.4 of a mile southwest of Julius School in York County a distance of about 1.8 miles

Carroll And Monaghan Township

Route 66217 Beginning at a point on Route 123 at the village of Rosegarden thence northwesterly and southwesterly in Carroll Township for a distance of .65 of a mile thence northwesterly through Carroll and Monaghan Townships for a distance of .6 of a mile to a point on Township Route 912 about 0.05 of a mile from the Cumberland County line a distance of about 1.25 miles

Section 3 The highways established as State highways under the provisions of this act may be taken over for construction and maintenance at any time subsequent to the final enactment of this act when the same shall become effective and shall be taken over not later than the first day of January one thousand nine hundred and forty-two

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarra,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	oldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kilne,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliott,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Leisey,	Regan,	Wilkinson,
Falkenstein,	Lesko,	Recse, D. P.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodside,
Finnerty,	Leydic,	Reagan,	Woodring,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 675, Printer's No. 927, House Bill No. 1652, Printer's No. 926. House Bill No. 1365, Printer's No. 934, House Bill No. 997, Printer's No. 809, and House Bill No. 674, Printer's No. 899, were passed over at the request of the SPEAKER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 486, as follows:

An Act to facilitate vehicular traffic between the western and eastern sections of the Commonwealth and afford transportation for defense purposes by providing for the construction operation and maintenance of a turnpike from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey and conferring powers and imposing duties on the Pennsylvania Turnpike Commission authorizing the

issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such turnpike bonds exempt from taxation constituting such bonds legal investments in certain instances requiring suits against the commission to be brought in Dauphin County prescribing conditions upon which such turnpike shall become free providing for grade separations grade changes and relocation and restoration of public roads and state highways affected by the turnpike providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the commission and authorizing the issuance of turnpike revenue refunding bonds

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1 This act shall be known and may be cited as the "Pennsylvania Turnpike Delaware River Extension Act"

Section 2 In order to facilitate vericular traffic between the western and eastern sections of the Commonwealth and afford transportation for defense purposes the Pennsylvania Turnpike Commission heretofore created by virtue of the provisions of the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774) is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Governor and the Department of Highways from a point at Middlesex in Cumberland County to a point on the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey which point shall be at or in the vicinity of Easton in Northampton County together with connecting roads tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 3 The turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 4 The following words and terms shall have the following meanings

(a) The word "commission" shall mean the Pennsylvania Turnpike Commission heretofore created by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774) or if said commission shall be abolished any board commission or officer succeeding to the principal functions thereof or upon whom the powers and functions given by this act to said commission shall be given by law.

(b) The word "owner" shall include all individuals partnerships associations or corporations having any title or interests in any property rights easements or franchises authorized to be acquired by this act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at Middlesex in Cumberland County to a point at the boundary line between the Commonwealth of Pennsylvania and the State of New Jersey which point shall be at or in the vicinity of Easton in Northampton County and shall be deemed to include not only the turnpike and

all connecting roads tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting roads tunnels and bridges the cost of all lands property rights right of way easements and franchises acquired which are deemed necessary or convenient for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative and legal expense and such other expenses as may be necessary or incident to the financing herein authorized the construction of the turnpike and connecting roads tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense contracted for by the commission with the Department of Highways of the Commonwealth of Pennsylvania or with the United States or any agency thereof for traffic surveys preparation of plans and specifications supervision of construction and other engineering administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed or paid out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 5 The exercise by the commission of the powers conferred by this act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth

Section 6 The commission shall have the following powers and duties

(a) It shall maintain a principal office at such place as shall be designated by the commission

(b) The commission may contract and be contracted with in its own name

(c) The commission may sue and be sued in its own name plead and be impleaded Provided however That any and all actions at law or in equity against the commission shall be brought only in the proper courts at the county of Dauphin

(d) The commission shall have an official seal

(e) The commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interests in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering traffic architectural and construction experts and inspectors and attorneys and such other employees as may in its judgment be necessary and fix their compensation Provided however That all contracts and agreements relating to the construction of the turnpike and connecting roads tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting roads tunnels and bridges shall be constructed under the supervision of the Department of Highways

(f) The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police tolltakers and other operating employees as the commission may in its discretion employ

(g) The commission shall have authority at its own

cost to provide grade separations with respect to all public roads and state highways intersected by the turnpike and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation. Provided however That the damages incurred in changing and adjusting the lines and grades of such public roads and state highways shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike. The plan of such changes of the lines and grades of public roads shall be subject to the approval of the supervisors of the proper township and in the case of state highways subject to the approval of the Department of Highways.

(h) If the Commission shall find it necessary to change the site of any portion of any state highway or public road it shall cause the same to be reconstructed and restored forthwith at the commission's own proper expense on the most favorable location and in as satisfactory a manner as the original road. Provided That the damages incurred in changing the location of any such road or state highway shall be ascertained and paid by the commission in the same manner as is provided for by this act in regard to the location and construction of the turnpike. The plan of such reconstruction and restoration shall be subject to the approval of the supervisors of the property township and in the case of a state highway subject to the approval of the Department of Highways.

(i) The commission shall have authority to petition the court of quarter sessions of the county wherein is situate any public road or part thereof affected by the location therein of the turnpike for the vacation relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township of such county and the proceedings upon such petition whether it be for the appointment of viewers or otherwise shall be the same as provided by existing law for similar proceedings upon such petitions.

(j) The commission shall otherwise have all of the powers and perform all of the duties prescribed by the act approved the twenty-first day of May one thousand nine hundred and thirty-seven (P. L. 774).

(k) All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act.

Section 7 (a) Each member of the commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this act.

(b) All expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act.

(c) Before the issuance of any turnpike revenue bonds under the provisions of this act each appointed member of the commission shall execute a bond in the penalty of twenty-five thousand dollars (\$25,000) and the secretary and treasurer shall execute a bond in the penalty of fifty thousand dollars (\$50,000) each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office under the provisions of this act which bonds shall be filed in the office of the Secretary of the Commonwealth.

Section 8 The commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient any lands property rights rights of way franchises easements and other interests in lands as it may deem necessary or convenient for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission

and the owner thereof and to take title thereto in the name of the commission.

Section 9 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the commission is hereby authorized and empowered to acquire by condemnation in the manner hereinafter provided any lands property rights rights of way franchises easements and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike or necessary in the restoration of public or private property damaged or destroyed. In such event applications shall be made by the commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers. Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof. None of the freeholders shall be a resident of the county wherein such application shall be made. The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same. The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General to the commission and to the owner or owners if resident within said county. If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county. If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct. The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such land property rights rights of way easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary. If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary. Whenever the viewers shall have ascertained the value of the lands property rights rights of way easements or franchises they shall prepare a full report of their labors. Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same. Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the commission to the Attorney General and to the owner or owners of the property condemned. At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto. After making any changes in such report as they may deem necessary the same shall be filed in the court. Within thirty days after the filing of the report in the court the commission acting through the Department of Justice or any person interested may file exceptions thereto. Whereupon the court shall either confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers. Within thirty days after the final action on the report by the court the commission acting through the Department of Justice or any person interested may demand a trial by jury. From the action of the court of exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court. Each of the Viewers shall receive a sum not exceeding ten dollars (\$10) for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually in-

curred in the performance of his duties Title to any property condemned by the commission shall be taken in the name of the commission Prior to physical entry upon the land the commission shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings Provided however That in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the commission to enter upon accept and pay for the property but neither such undertaking or security nor any act or obligation of the commission shall impose any liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this act

In addition to the foregoing powers the commission and its authorized agents and employes may enter upon any lands waters and premises in the state for the purpose of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purpose of this act and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending Provided however That the commission shall make reimbursement for any actual damages resulting to such lands waters and premises as a result of such activities

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships other political subdivisions and municipalities or public agencies and commissions of the Commonwealth of Pennsylvania may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission including public roads and other real property already devoted to public use

Section 10 Whenever the commission decides to acquire any lands rights of way easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the commission If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures

Section 11 The commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principal and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annually shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the commission and may be made redeemable before maturity at the option of the commission at such price or

prices and under such terms and conditions as may be fixed by the commission prior to the issuance of the bonds Provided however That the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The commission shall determine the form of bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the chairman of the commission and the official seal of the commission shall be affixed thereto and attested by the secretary and treasurer of the commission and any coupons attached thereto shall bear the facsimile signature of the chairman of the commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The commission may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the chairman of the commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act

Such bonds are hereby made securities in which all state and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an

insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any state or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law

Section 12 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect to such bonds

Section 13 In the discretion of the commission such bonds may be secured by a trust indenture by and between the commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safeguarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike

Section 14 The accomplishment by the commission of the authorized purposes stated in this act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the commission will be performing essential governmental functions the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this act and the bonds or other securities and obligations issued by the commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 15 The commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of

maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turnpike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 16 The commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the commission in respect to the same shall be governed by the foregoing provisions of this act in so far as the same may be applicable and by the following provisions

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon

(b) No turnpike revenue refunding bonds shall be issued unless to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate borne by the turnpike revenue bonds to be refunded

Section 17 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any land all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike

Section 18 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the turnpike and the connecting roads tunnels and

bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the commission shall be dissolved and all funds of the commission not required for the payment of the bonds and all machinery equipment and other property belonging to the commission shall be vested in the Department of Highways

Section 19 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 20 All acts and parts of acts inconsistent with this act are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarraf,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Simons,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, F. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burris,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kenahan,	Owens,	Voorhees,
Dolon,	Kilne,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorowski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Lelsey,	Regan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Finestone,	Levy,	Reese, R. E.,	Woodring,
Finnerty,	Leydic,	Reagan,	Woodside,
Fiss,	Lichtenwalter,	Reynolds,	Wright,
Fleming,	Longo,	Riley,	Yeakel,
Fletcher,	Lovett,	Rooney,	Yester,
French,	Lyons,	Rose, S.,	Young,
Gallagher,	Malloy,	Royer,	Kilroy,
	Marks,	Rush,	Speaker.

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 667, as follows:

An Act creating an independent board to be known as The Regulatory Board of Review conferring powers and duties on said Board describing procedure on appeals to said Board and to the courts of common pleas and making an appropriation

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 An independent board is hereby created to be known as the Regulatory Board of Review hereinafter called the "board" The board shall consist of three members of the House of Representatives appointed by the Speaker of the House of Representatives and three members of the Senate appointed by the President Pro Tempore of the Senate

Section 2 If any vacancy shall occur in said board such vacancy shall be filled by appointment if the appointing officer who selected the member whose death resignation or disqualification caused such a vacancy to exist

Section 3 The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses incurred in the performance of their duties The commission shall elect a chairman who shall preside at all meetings of the board

Section 4 The board shall meet as soon as its members have been appointed for purposes of its organization and thereafter at least once a month or more often if it is deemed necessary on a day fixed by the board to transact all business before it A majority of the members of the board shall constitute a quorum

Section 4 The board shall hear and decide all cases where all citizens of this Commonwealth complain of rules or regulations made by any department of the State Government board commission or agency of the Commonwealth under such authority delegated to it by acts of this Commonwealth as being unjust arbitrary or in violation of the authority conferred upon it by such acts of the General Assembly

Section 5 All such complaints shall be made in writing addressed to the board and shall set forth in detail the reasons for such complaint and specific description of the rule or regulation made by such department board commission or agency The board shall schedule hearings on such written complaints within twenty (20) days after they have been received The department board commission or agency involved and the complainant shall be notified at least seven (7) days before the date set for such hearing and they may appear at such hearing in person or be represented by counsel The board shall make its decision in writing within twenty (20) days after such hearing and serve a copy thereof by registered mail on all parties in interest

Section 6 Such decision shall be final unless any party in interest shall within thirty (30) days after receipt thereof appeal to the court of Common Pleas of Dauphin County A copy of such appeal shall be filed in writing in the office of the prothonotary and a copy shall be personally served on the chairman of the board and all other parties in interest

Section 7 When an appeal is taken from the action of the board to the Court of Common Pleas of Dauphin County the judge thereof shall fix a date for hearing and proceed in accordance with the law now governing appeals from such departments commissions boards or agencies involved to the courts of common pleas

Section 8 The sum of twenty thousand dollars (\$20,000) or as much thereof as shall be necessary is hereby specifically appropriated to the board for the payment of salaries of employees and other administrative costs for the biennium

Section 9 The board shall have the power to employ all lawyers clerical help experts and other personnel necessary to the proper administration of this act and shall fix the salaries and compensation of such employees.

Section 10 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 11 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—174

Achterman,	Gerard,	McClanaghan,	Sarra,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burriss,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	C'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kline,	Owens,	Voorhees,
Dolon,	Knoble,	Petrosky,	Wagner,
D'Ortona,	Kolankiewicz,	Polaski,	Watkins,
Duffy,	Komorowski,	Polen,	Weingartner,
Early,	Krise,	Powers,	Weiss,
Elder,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Elliott,	Leisey,	Readinger,	Welsh, M. J.,
Ely,	Lesko,	Reagan,	Wilkinson,
Falkenstein,	Levy,	Reese, D. P.,	Williams,
Finestone,	Leydic,	Reese, R. E.,	Woodring,
Finnerty,	Lichtenwalter,	Regan,	Woodside,
Fiss,	Longo,	Reynolds,	Wright,
Fleming,	Lovett,	Riley,	Yeakel,
Fletcher,	Lyons,	Rooney,	Yester,
French,	Malloy,	Rose, S.,	Young,
Gallagher,	Marks,	Royer,	Kilroy,
Gates,	Maxwell,	Rush,	
		Sarge,	

Speaker.

NAYS—2

Brown, Brunner, C. H.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1722, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of Warren State Hospital to acquire a certain tract of land for the use of said hospital and making an appropriation therefor

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 The Department of Property and Supplies with the approval of the Governor and the Board of

Trustees of Warren State Hospital is hereby authorized to purchase in the name of the Commonwealth of Pennsylvania the whole or any portion of a certain tract of land of approximately fifty-one (51) acres now owned by the Graham Estate situated in Conewango Township Warren County Pennsylvania and contiguous to the west side of the present property of said hospital so as to make possible the use of said lands for the purpose of taking sand and gravel for walks drives and other maintenance operations for said hospital

Section 2 Said tract of land when purchased shall be added to the lands of the Warren State Hospital The deeds of conveyance shall be deposited with the Secretary of Internal Affairs

Said lands shall not be acquired until the titles thereto have been approved by the Department of Justice

Section 3 The sum of three thousand dollars (\$3,000) or as much thereof as may be necessary is hereby appropriated to the Department of Property and Supplies for the payment of the purchase price of said tract of land and the expenses incidental thereto including title searches

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gates,	Maxwell,	Sarge,
Auker,	Gerard,	McClanaghan,	Sarra,
Baker,	Gillan,	McClester,	Scanlon,
Balthaser,	Goodwin,	McDermott,	Schwab,
Baughner,	Greenwood,	McDowell,	Shaffer,
Bentley,	Gryskewicz,	McFall,	Shaw,
Bentzel,	Gyger,	McGrath,	Shepard,
Boles,	Habbyshaw,	McIntosh,	Skale,
Boney,	Haberlen,	McKinney,	Skale,
Bower,	Haines,	McLanahan,	Snyder,
Bradley,	Hall,	McLane,	Sollenberger,
Bretherick,	Hamilton,	McMillen,	Sorg,
Brown,	Harkins,	McSurdy,	Stambaugh,
Brunner, P. A.,	Harris,	Melchiorre,	Stank,
Burns,	Heatherington,	Mihm,	Stine,
Burriss,	Helm,	Modell,	Stockham,
Chervenak,	Hering,	Mooney,	Tarr,
Chudoff,	Herman,	Moran,	Tate,
Cochran,	Hersch,	Moul,	Taylor,
Cohen, M. M.,	Hewitt,	Muir,	Thompson, E. F.,
Cook,	Hirsch,	Munley,	Thompson, R. L.,
Cooper,	Holland,	Nagel,	Trout,
Cordier,	Imbrie,	Nunemacher,	Turner,
Corrigan,	James,	O'Brien,	Van Allsburg,
Croop,	Jefferson,	O'Connor,	Verona,
Dalrymple,	Jones, G. E.,	O'Dare,	Vincent,
Dennison,	Jones, P. N.,	O'Mullen,	Vogt,
DiGenova,	Keenan,	O'Neill,	Voldow,
Dix,	Kline,	Owens,	Voorhees,
Dolon,	Knoble,	Petrosky,	Wagner,
D'Ortona,	Kolankiewicz,	Polaski,	Watkins,
Duffy,	Komorowski,	Polen,	Weingartner,
Early,	Krise,	Powers,	Weiss,
Elder,	Lee, T. H.,	Prosen,	Welsh, E. B.,
Elliott,	Leisey,	Readinger,	Welsh, M. J.,
Ely,	Lesko,	Reagan,	Wilkinson,
Falkenstein,	Levy,	Reese, D. P.,	Williams,
Finestone,	Leydic,	Reese, R. E.,	Woodring,
Finnerty,	Lichtenwalter,	Regan,	Woodside,
Fiss,	Longo,	Reynolds,	Wright,
Fleming,	Lovett,	Riley,	Yeakel,
Fletcher,	Lyons,	Rooney,	Yester,
French,	Malloy,	Rose, S.,	Young,
Gallagher,	Marks,	Royer,	Kilroy,
		Rush,	

Speaker.

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1611, as follows:

An Act creating a presumption of release or discharge of certain mortgages held by the Commonwealth and requiring the Department of Justice to enter satisfaction thereof at the cost of the property owners

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

Section 1 In all cases where any mortgage against any real property is held by the Commonwealth for any purpose either as mortgagee or as assignee and no payment claim or demand shall have been made on account of or for either the principal or any interest on such mortgage or for the payment of any money or the performance of any other obligation secured thereby for a period of fifty years a release or discharge of such mortgage shall be presumed and the Department of Justice shall upon application of the owner or owners of the property bound by such mortgage enter satisfaction thereof upon the record in the office of the recorder of deeds wherein the same is recorded All costs and expenses in connection with the entry of such satisfaction shall be paid by the persons applying therefor

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Gerard,	McClanaghan,	Serra,
Auker,	Gillan,	McClester,	Scanlon,
Baker,	Goodwin,	McDermott,	Schwab,
Balthaser,	Greenwood,	McDowell,	Shaffer,
Baughner,	Gryskewicz,	McFall,	Shaw,
Bentley,	Gyger,	McGrath,	Shepard,
Bentzel,	Habbyshaw,	McIntosh,	Simons,
Boles,	Haberlen,	McKinney,	Skale,
Boney,	Haines,	McLanahan,	Snyder,
Bower,	Hall,	McLane,	Sollenberger,
Bradley,	Hamilton,	McMillen,	Sorg,
Bretherick,	Harkins,	McSurdy,	Stambaugh,
Brown,	Harris,	Melchorre,	Stank,
Brunner, P. A.,	Heatherington,	Mihm,	Stine,
Burns,	Helm,	Modell,	Stockham,
Burris,	Hering,	Mooney,	Tarr,
Chervenak,	Herman,	Moran,	Tate,
Chudoff,	Hersch,	Moul,	Taylor,
Cochran,	Hewitt,	Muir,	Thompson, E. F.,
Cohen, M. M.,	Hirsch,	Munley,	Thompson, R. L.,
Cook,	Holland,	Nagel,	Trout,
Cooper,	Imbrie,	Nunemacher,	Turner,
Cordier,	James,	O'Brien,	Van Allsburg,
Corrigan,	Jefferson,	O'Connor,	Verona,
Croop,	Jones, G. E.,	O'Dare,	Vincent,
Dalrymple,	Jones, P. N.,	O'Mullen,	Vogt,
Dennison,	Keenan,	O'Neill,	Voldow,
Dix,	Kenehan,	Owens,	Voorhees,
Dolon,	Kline,	Petrosky,	Wagner,
D'Ortona,	Knoble,	Polaski,	Watkins,
Duffy,	Kolankiewicz,	Polen,	Weingartner,
Early,	Komorofski,	Powers,	Weiss,
Elder,	Krise,	Prosen,	Welsh, E. B.,
Elliot,	Lee, T. H.,	Readinger,	Welsh, M. J.,
Ely,	Leisey,	Reagan,	Wilkinson,
Falkenstein,	Lesko,	Reese, D. P.,	Williams,
Finstone,	Levy,	Reese, R. E.,	Woodring,
	Leydic,	Regan,	Woodside,

Finnerty,	Lichtenwalter,	Reynolds,	Wright,
Fiss,	Longo,	Riley,	Yeakel,
Fleming,	Lovett,	Rooney,	Yester,
Fletcher,	Lyons,	Rose, S.,	Young,
French,	Malloy,	Royer,	Kilroy,
Gallagher,	Marks,	Rush,	Speaker.
Gates,	Maxwell,	Sarge,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. BROWN asked and obtained permission for the Committee on Judiciary to meet during the session of the House.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 364

Mr. HEATHERINGTON. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 364.

The SPEAKER. The report will lie over for printing under the rules.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HARKINS.

The House resumed the consideration on third reading of House Bill No. 1445, (Senate Bill No. 302), entitled:

An Act to further amend section one thousand four hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," changing the qualifications of certain children for exemption from compulsory attendance provisions.

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

Mr. Speaker, prior to the reading of the amendments I would like to say that the amendments are offered with the consent of the sponsor, Senator Homsher and are co-sponsored by the gentleman from Lancaster Mr. Trout.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, (sec. 1416), page 2, line 29, by inserting light-face brackets before the word "fifteen" and after the word "years" and inserting thereafter the following: "fourteen years, has satisfactorily completed either in public or private schools the sixth grade or the equivalent thereof."

Amend sec. 1, (sec. 1416), page 3, lines 11 to 16, both inclusive by striking out the words "nor shall said pro-" in line 11, all of lines 12, 13, 14 and 15, and the words "as hereinbefore provided and such" in line 16, and inserting in lieu thereof the words: "Provided, That such."

The SPEAKER. Will the House give unanimous consent to the offering of amendments at this time? Is there objections? The Chair hears none.

On the question,

Will the House agree to the amendments?

The amendments were agreed to.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to Senate Bills numbered and entitled as follows:

SENATE BILL No. 588:

An Act to protect the debtors, obligors or guarantors of debts for which judgments are entered or may be entered and owners of real property affected thereby, and others indirectly liable for the payment thereof, by prescribing the method of fixing the fair market value of such property and limiting the amount collectible thereafter on such judgments.

BILL AND MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NON- CONCURRED IN BY HOUSE

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 811, entitled:

An Act to further amend section three of the act, approved the nineteenth day of February, one thousand nine hundred and twenty-six (P. L. 16) entitled, as amended "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act," further providing for the rights of manufacturers of wine.

BILL AND MESSAGE LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 803.

An Act to amend section six hundred and forty-three of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" prohibiting the selling giving away or permitting or employing minors under fifteen years of age to sing dance act or exhibit in dance houses concert saloons theaters places of entertainment prohibiting the selling giving away or permitting or employing minors under eighteen years of age to sing dance act or exhibit in tap rooms clubs cafes restaurants and eating houses where or connected with which wines or spirituous or malt liquors are sold or given away prohibiting the misrepresentation of age by the aforesaid minors and providing penalties for the violation of the provisions of this act

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 7, by striking out the word "fifteen" and inserting in lieu thereof the word "eighteen"; also same page, line 8, by inserting after the word "houses" the words "or in"; also at the end of the same line by inserting after the word "theaters" the word "or"; also same page, line 9, by inserting after the word "entertainment" the words "where or connected with which wines or spirituous or malt liquors are sold or given away."

Amend Section 1, page 2, line 7, by inserting after the figures "643" the word "Certain"; also at the end of said line by inserting light-faced brackets before and after the words "in Dance Houses"; also same page, line 10, by inserting light-faced brackets before and after the word and figures "fifteen (15)"; also same line by inserting after the figures "(15)" the word and figures "eighteen (18)"; also same page, line 12, by striking out "[or in any]" and inserting in lieu thereof the words "or in any"; also same page, line 14, by striking out the light-faced bracket before the word "where"; also same page, line 18, by striking out the light-faced bracket after the word "entrance"; also same page, line 19, by striking out "[or any]" and inserting in lieu thereof the words "or any such"; also at the end of same line by striking out "[or]" and inserting in lieu thereof the word "or".

On the question,

Will the House concur in the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 358.

An Act to further amend clause three of subsection (b) of section 913 of the act approved the third day of June one thousand nine hundred thirty-seven (P. L. 1333) entitled "An act concerning elections including general municipal special and primary elections nomination of candidates primary and election expenses and election contests creating and defining membership of county board of elections imposing duties upon the Secretary of the Commonwealth courts county boards of elections county commissioners imposing penalties for violation of the act and codifying revising and consolidating the laws relating thereto and repealing certain acts and parts of acts relating to elections" by further fixing the fee for filing nomination petitions in certain cases

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives, is requested.

The SPEAKER. The Clerk will read the amendments. The Clerk read the amendments as follows:

Amend Section 1, page 3, at the beginning of line 16, by striking out "14"; also in same line by inserting a light-faced bracket before the word "the"; also at the end of same line by inserting a light-faced bracket after the word "for" where it appears the second time in said line; also same page, line 20, by striking out the light-faced bracket after the word "no"; also same line by striking out before the word "filing" the word "No".

On the question,

Will the House agree to the amendments made by the Senate?

MESSAGE AND BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the message from the Senate be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 949

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 949, Printer's No. 717, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

BILL AND COMMUNICATION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1022

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1022, Printer's No. 640, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

BILL AND COMMUNICATION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1259

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1259, Printer's No. 555, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

BILL AND COMMUNICATION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1088

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.
To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Repre-

sentatives and Senate recalling from the Governor House Bill No. 1088, Printer's No. 313, for the purpose of further consideration.

Accordingly, the original bill is herewith returned.

ARTHUR H. JAMES.

BILL AND COMMUNICATION LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker, I move that the bill together with the communication from the Governor be laid on the table.

The motion was agreed to.

COMMITTEE MEETING

The SPEAKER. There will be a meeting of the Committee on Rules immediately after recess in the Speaker's Office.

RECESS

The SPEAKER. If there is no objection the Chair is about to declare a recess for one and a half hours. The Chair hears none and a recess is declared.

AFTER RECESS

The time of recess having expired the House was called to order.

THE SPEAKER (Elmer Kilroy) IN THE CHAIR.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, June 12, 1941.

Resolved (if the Senate concur), that House Bill No. 727, Printer's No. 821, entitled "An act establishing certain public roads in the counties of Union and Northumberland as a State highway and providing for their construction and maintenance by the Commonwealth subject to certain terms and conditions," be recalled from the Governor for further consideration.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 218

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 218, Printer's No. 840, entitled "An act to further amend section three and to amend section eight of the act approved the seventeenth day of May one thousand nine hundred and seventeen (P. L. 224) entitled 'An act preventing the manufacture sale or transportation within the Commonwealth of adulterated or misbranded Paris greens lead arsenates lime-sulphur compounds and other insecticides and fungicides and regulating traffic therein providing for inspection of such materials and imposing penalties' by imposing additional duties on the Secretary of Agriculture and further regu-

lating the sale manufacture and transportation of insecticides and fungicides."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 645

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 645, Printer's No. 769, entitled "An act to further amend article four section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), as amended by the act, approved the seventh day of May, one thousand nine hundred and thirty-five (P. L. 143), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto', by requiring all contracts of county commissioners in counties of the second class over five hundred dollars to be made with the lowest and best bidder, after due notice published."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1005

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1005, Printer's No. 761, entitled "An act to add section six hundred ninety-nine and six-tenth to the act approved the twenty-fourth day of June one thousand nine hundred and thirty-nine (P. L. 872) entitled 'An act to consolidate amend and revise the penal laws of the Commonwealth' making it unlawful for unauthorized persons to buy or exchange Federal food order stamps for currency or for any person to accept Federal food order stamps for other than food or surplus food as defined by the United States Department of Agriculture and providing penalties."

ARTHUR H. JAMES.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 762

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 762, Printer's No. 762, entitled "An act to further amend sections eleven and twelve of the act approved the eleventh day of May one thousand nine hundred and twenty-one (P. L. 522) entitled as amended 'An act relating to dogs the protection of live stock poultry and game birds raised in captivity from damage by dogs providing for the licensing of dogs by the Secretary of Agriculture providing for the enumeration of dogs by assessors regulating the keeping of dogs

and authorizing their destruction in certain cases providing for the protection of licensed dogs and for dogs temporarily imported for trial show and breeding purposes prescribing certain privileges for hunting dogs and dogs owned or used by the Board of Game Commissioners providing for the assessment of damages done to live stock poultry and game birds by dogs and for live stock killed by or dying from rabies and for the illegal killing of licensed dogs and the payment of such damages by the Commonwealth imposing powers and duties on certain State county city borough town and township officers and employes directing the payment of all moneys collected into the State Treasury and providing penalties by providing for the issuance of metal tags with kennel certificates requiring such tags to be kept on dogs kept in kennels permitting dogs kept in a kennel to be taken out for hunting training exercise or entry in field trials and dog shows and requiring keepers of kennels to maintain certain records."

ARTHUR H. JAMES.

RESOLUTION

INVESTIGATION OF STATE POLICE

Mr. HEATHERINGTON offered a resolution and asked and obtained unanimous consent that it be read.

The resolution was read by the Clerk as follows:

In the House of Representatives, June 12, 1941.

Whereas, On March 28, 1940, Rachel Taylor, a young woman student at the Pennsylvania State College, was attacked and murdered in the vicinity of State College; and

Whereas, In spite of more than a year's continuous investigation by the Pennsylvania Motor Police and by local authorities, the perpetrator or perpetrators of this brutal crime have not yet been apprehended; and

Whereas, Within the past year a dozen or more women, in or about the borough of State College, have been attacked by an unknown assailant or assailants, possibly the same who committed the murder of Rachel Taylor; and

Whereas, An attack upon a woman, in State College, was made as recently as two days ago; and

Whereas, The immediate apprehension of the person or persons responsible for these crimes is absolutely essential for the protection and safety of women residing in State College and vicinity; and

Whereas, The failure to apprehend the person or persons guilty of these attacks may well render many parents unwilling to have their daughters attend the Pennsylvania State College, at State College; and

Whereas, It would seem that the perpetration of as many as a dozen different attacks upon women, in a comparatively small community within a short period of time, should afford a sufficient clue as to the identity of the person or persons involved, so that the Pennsylvania Motor Police could solve one or all of these crimes; and

Whereas, Colonel Lynn G. Adams, Commissioner of the Pennsylvania Motor Police, has journeyed to State College on various occasions and has assumed personal supervision of the investigation into these crimes; and

Whereas, The complete failure of the officials, under his supervision, to solve even one of this series of attacks, together with the fact the Senate of this General Assembly has refused to confirm his appointment as Commissioner, would seem to indicate that the initiative, ability and persistence of Colonel Adams as a police officer and particularly in connection with the investigation of these assaults, should be carefully investigated; therefore be it

Resolved, That the Speaker of the House appoint a committee of five members of the House, whose duty it shall be to examine into the manner in which Colonel Lynn G. Adams has conducted the investigation of the numerous attacks upon women in the vicinity of State College during the past fifteen months, for the purpose

of determining whether the failure of such investigation to produce any definite results in even a single case is due in any degree to inadequate, indifferent or careless supervision. It shall be the duty of the aforesaid committee to conduct its investigation immediately and to make its report to the House of Representatives before the adjournment of this session, together with its recommendations as to any further steps which might be taken to end this outbreak of criminal assaults in the vicinity of State College.

The SPEAKER. The resolution will be filed with the Clerk under the rules.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHAW asked and obtained permission for the Committee on Welfare to meet during the session of the House.

CONGRATULATORY RESOLUTION

Messrs. SARRAF, SHAW, HEATHERINGTON, SHAFER, GOODWIN, BOIES, POWERS, YESTER, HOLLAND, REYNOLDS, MORAN, BAKER, O'NEILL, HARKINS, BENTLEY, VERONA, KEENAN, HARMUTH, MOONEY, LEONARD, MIHM and BROWN offered a privileged resolution which was read, considered and adopted as follows:

In the House of Representatives, June 12, 1941.

In Pittsburgh, on the 13th of June, 1883, there was born to Antoine Gerard and Amelia Schleicher Gerard, his wife, a son, now known to his colleagues in the General Assembly and to his best of friends as Anthony J. Gerard, frequently called Tony.

On account of the death of his father, it was necessary for him to leave school at an early age for employment as a tailor's apprentice. He later mastered the art of garment designing. And is now president and treasurer of Associated Tailors, and doing business under the trade name of Mitchell the Tailor in Pittsburgh.

Mr. Gerard is active and much interested in a wide variety of civic and fraternal activities and a former councilman of his home town, Mt. Oliver, Allegheny county. He is a member and Past President of the Alsace-Lorraine Society of Pittsburgh, an organization of which his father was one of the founders and its first President. He is a member of the Mt. Oliver Volunteer Fire Department, a fourth degree member of the Knights of Columbus, and also holds membership cards in the Fraternal Order of Eagles, the Loyal Order of Moose, the Knights of St. George and St. Joseph's Lyceum.

In the Benevolent and Protective Order of Elks, Mr. Gerard is Past Exalted Ruler of Knoxville Lodge No. 1196; Past District Deputy Grand Exalted Ruler of the Southwestern Pennsylvania District; and Present Trustee of the Pennsylvania State Elk Association.

In 1912, Mr. Gerard married Della K. Wolfersberger. They have two children, a son, Edwin, and a daughter, Dolores; be it therefore

Resolved, That the House of Representatives hereby extends hearty congratulations and best wishes to their fellow member from Allegheny; and hopes that he may have many more years in which to continue the services to his fellow men which have been his life's practice. To you, Mr. Gerard, we wish a very happy birthday; and be it further

Resolved, That a certified copy of this resolution be prepared by the Chief Clerk and transmitted to the Honorable Anthony J. Gerard, Member of this House on his 58th birthday, June the 13th, 1941.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Gerard.

Mr. GERARD. Mr. Speaker and Members of the House, I have just been handed a slip which indicates that this House will adjourn sometime today. It is quite unfortunate that this resolution could not be held over until tomorrow because tomorrow being Friday the thirteenth, my birthday, it would indicate that I have been quite lucky and that I have been privileged to live these many, many years, and being privileged to live those many years, I have gained the friendship and association of a lot of fine men in the General Assembly, both Republicans and Democrats. I certainly want to thank you from the bottom of my heart for this kind expression of congratulation.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. SPEAKER. Yesterday the Governor suggested to the Senate that they pass the General Appropriations bill in the mangled form in which they had received it from the House, because he felt it advisable that the functions of the government be continued even though the General Appropriations bill was not in proper shape for final enactment. As a result of that the Senate immediately reported that bill out for second reading, and I understand that it has been or is about to be read for the second time today. The majority in the Senate has made definite plans to meet tonight at 12:01 a. m. in order to pass the bill finally, which would mean that it would be returned here for signature by the Speaker in the presence of the House.

The bill cannot be put on the Governor's desk unless this House meets tomorrow. It was therefore the request of the Governor and the suggestion of the Senate that the House meet tonight, either shortly after midnight, or if it will be more convenient to the Members of the House, tomorrow morning, at least for a sufficient time to have the Speaker sign the bill in the presence of the House, so that it could be put on the Governor's desk for action.

I understand that the Rules Committee of the House, which as you all know is composed of Members of the Democratic party, has refused the request of the Governor to sit tomorrow and finally act on this piece of legislation, and that a motion to adjourn until Monday, will shortly be made. Of course I could ask for the floor to make a motion to adjourn until tomorrow but I will not do that because of the courtesy of the Speaker and the majority floor leader in permitting me to make this statement and in not immediately recognizing somebody on the other side to make a motion to adjourn. But I call upon all the Members of the House to vote down the motion which I understand will be made to adjourn until Monday evening at 8 o'clock, with the idea that it would be followed by a motion to adjourn either until shortly after midnight tonight for a meeting that would be on the calendar day of tomorrow, or tomorrow morning, whichever would be more convenient to the House, in order that the General Appropriations bill could be passed tomorrow and laid on the Governor's desk for action. As was pointed out yesterday by me on the floor of the House and by the Governor subsequently in his message, tomorrow will be the normal day for the payment of the employes of the state, and they cannot receive their pay tomorrow.

Furthermore, if the House adjourns until its usual time on Monday evening, it would be impossible to sign the bill, of course, until late Monday night or Tuesday morning and therefore it would be impossible for the pay checks to be given out to the employes or for the other functions of the government to be carried on until Tuesday or possibly Wednesday.

For that reason it seems to me it is a mighty small matter for this House to stay in session for the sole purpose of having the Speaker sign the bill in the presence of the House and permitting us to get it on the Governor's desk in order that the normal functions of government can be continued. I feel that the majority of this House is not giving the proper consideration to this matter, if they refuse to meet tomorrow, and if they insist upon adjournment today until Monday night.

May I say further, Mr. Speaker, I think if they do that it is just another indication, another bit of evidence, another guaranty that it is the Senate which is doing everything in its power to bring about prompt action on legislation and the adjustment of the differences between the Houses, and that it is this House that in every conceivable way is throwing a monkey wrench into the works. I think it is another indication that every effort is being made by the majority in this House to delay, hamstring and interfere with the normal processes of this state and particularly as they relate to the financial program. I feel it is a mistake for this House and for the majority of this House to adjourn at this time until Monday and leave the General Appropriations bill in the air. I do not know whether the Senate will have their meeting at 12:01 a. m. tonight as planned if the House adjourns or not. There certainly can be no advantage in doing so because if the House adjourns it will be impossible for the bill to reach the Governor's desk before Monday night at the earliest. The Senate customarily meets at 4:00 o'clock in the afternoon and therefore it would have an opportunity to pass the bill and put it on the Speaker's desk at the same time. Whether they will pass it at the session tomorrow or whether they will pass it at the session on Monday, I do not know. Their plans may be changed, but I have the authority to say definitely, Mr. Speaker, it is the plan of the majority of the Senate, and by the majority, I mean the Republican Members of the Senate, to meet at 12:01 a. m. tonight.

Mr. Speaker, I have just been advised that they have already adjourned to meet at 12:01 a. m. tomorrow. They plan to do that in order that there will be no delay whatsoever in this matter. I think if the House insists upon adjourning it is absolute and conclusive proof as to where the responsibility lies for delay in these matters.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, I can answer the gentleman from Dauphin in just a very few words. The Governor indicated in his message yesterday that he would like to have this particular measure so that he could act on it by Monday or Tuesday of next week. May I assure the minority of this House that our adjourning now to meet next Monday will not delay or prevent the Governor from receiving this measure so that he can act on it next Monday or Tuesday. In other words, we are doing nothing that the Governor

apparently had not anticipated. The Governor assumed that the legislation would be in such shape that it could be laid on his desk on Monday or Tuesday. Adjournment at this time is not going to prevent the measure from getting to his desk at the time he suggested or recommended. Apparently, in his statement he did not anticipate taking any action on the measure until next week and as a result no one is going to be particularly hurt; things are going to move in their orderly procedure; the Governor will get the measure about the time he anticipated and apparently there is no reason why this House should remain. Therefore, I am asking the members to support the motion to adjourn when it is made.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, in answer to the remarks just made by the Gentleman from Monroe, I wish to say that the Governor now has the intention to sign the bill on Saturday if it is laid upon his desk tomorrow. He is putting aside other business and his own personal interest in order that he can give prompt attention to this matter which is so important to the Commonwealth of Pennsylvania. I can say for the Governor, I can say for the Republican Members in the Senate, and for the Republican Members of this House that we are interested in seeing this bill enacted into law at the earliest possible moment and that we are putting aside everything else in order that it can be enacted into law at the earliest possible moment. It is the full responsibility of the majority of this House if they throw a monkey wrench into the works.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, may I say once again that the Governor does not seem to have his mind made up. He told us one thing and the minority floor leader tells us something else. Well, he delivered his official message to this House. While I do not doubt for one moment that the statement made by the minority floor leader is correct, nevertheless may I say that we should at some time or other be able to expect this Governor to really mean what he says.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I just want to call attention to what the Governor said because again the gentleman from Monroe is misquoting him. The Governor said:

"Therefore, I am recommending to the Pennsylvania Senate that it immediately proceed with the passage of the general appropriations bill in the form in which it came from the House. This bill can be finally passed this week and thereby be ready for my signature next Monday or Tuesday."

As a matter of fact the Governor called upon the legislature to pass the bill this week. He figured it may take him until Monday or Tuesday to go over the items because as you well know there are a considerable number of items in it to which he must give attention. The Governor has been looking at those items already and

figures he will be prepared to sign the bill on Saturday if it is on his desk this week, as he asked to be done in his speech.

PERMISSION TO ADDRESS HOUSE

Mr. ACHTERMAN asked and obtained unanimous consent to address the House.

Mr. Speaker, from the remarks of the minority leader I assume the Governor is not too familiar with the measures that are passed by this House and that he is asking the Senate to pass. But we know that the Governor knows what is in that measure. He discussed at length this particular measure, and so I assume when it does come to his desk what he does will be purely mechanical and will take but a few moments to do it. I am quite certain that the Governor is going to lose no time. He has asked that the measure be in his hands so that he can sign it on Monday or Tuesday. It will be there at that time and the Governor will find that no particular delay will be occasioned.

PERMISSION TO ADDRESS HOUSE

Mr. WOODSIDE asked and obtained unanimous consent to address the House.

Mr. Speaker, I only want to remind the gentleman it took him one hundred seventeen days to find out how much the appropriations for the State Treasurer, the Auditor General and the other departments had to be. I think he ought to give the Governor twenty-four hours to do it.

REPORTS FROM COMMITTEES

Mr. READINGER, from the Committee on Judiciary General, reported as committed House Bill No. 1675 (Senate Bill No. 566), entitled:

An Act to amend clause (b) of section twenty-seven of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisal of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and proce-

dure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by further regulating the discharge of charges as real estate.

Mr. SHEPARD, from the Committee on Welfare, reported as amended, House Bill No. 1216, entitled:

An Act to amend sections two and six of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirty-nine (P. L. 1184), entitled "An act requiring all employable persons receiving public assistance, with certain exceptions, to perform certain work, or be refused further assistance; conferring powers and imposing duties on county boards of assistance; and on charitable institutions, persons, copartnerships, associations, corporations, and State and Federal employment officers; and requiring payments to the Commonwealth on account of certain work performed," by further defining the work to be done, and rate of pay to be received by employables.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 393

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, June 12, 1941.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 393, Printer's No. 235, entitled "An act to amend sections one and two of the act approved the fifth day of June one thousand nine hundred and thirty-five (P. L. 266), entitled 'An act to protect trade-mark owners, distributors, and the public against injuries and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand or name,' by extending the provisions thereof to vending equipment used in distributing such articles and further defining parties having a right of action for unfair competition."

ARTHUR H. JAMES.

PUBLIC HEARING

A Public Hearing on House Bill No. 1626 will be held before the Committee on Cities-First Class on June 17 at 10:30 a. m., E. S. T., in Room 521.

ADJOURNMENT

Mr. GERARD. Mr. Speaker, I move that this House do now adjourn until Monday, June 16, 1941, at 8 p. m.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. WOODSIDE and Mr. TURNER and were as follows:

YEAS—91

Achterman,	Finnerty,	Lovett,	Readinger,
Baker,	French,	Malloy,	Regan,
Balthaser,	Gallagher,	Maxwell,	Reynolds,
Baughner,	Gerard,	McClanaghan,	Rooney,
Bentzel,	Goodwin,	McDermott,	Rose, S.,
Boles,	Gryskewicz,	McFall,	Rush,
Boney,	Haberlen,	McIntosh,	Sarraf,
Bradley,	Hamilton,	McLanahan,	Scanlon,
Brown,	Harkins,	McLane,	Schwab,
Brunner, P. A.	Harris,	Melchiorre,	Shaffer,
Burris,	Heatherington,	Modell,	Shepard,
Chervenak,	Herman,	Moran,	Stank,
Chudoff,	Hersch,	Moul,	Tate,

Cochran,	Hirsch,	Munley,
Cohen, M. M.,	Holland,	Nagel,
Corrigan,	Jefferson,	O'Connor,
Croop,	Jones, F. N.,	O'Mullen,
Cullen,	Kenehan,	Owens,
Dolon,	Kolankiewicz,	Petrosky,
D'Ortona,	Komorowski,	Polaski,
Duffy,	Lesko,	Polen,
Early,	Levy,	Powers,
Finestone,	Longo,	Prosen,

Voldow,
Welse,
Welsh, E. B.,
Welsh, M. J.,
Williams,
Woodring,
Wright,
Yester,
Kilroy,
Speaker.

NAYS—54

Auker,	Habbyshaw,	McClester,	Stambaugh,
Bower,	Haines,	McDowell,	Stockham,
Bretherick,	Hall,	McKinney,	Taylor,
Cordier,	Heim,	McMillen,	Trout,
Dalrymple,	Hewitt,	McSurdy,	Turner,
Dennisson,	James,	Muir,	Van Allsburg,
Dix,	Jones, G. E.,	O'Dare,	Vincent,
Ely,	Kline,	Reagan,	Wagner,
Fisher,	Knoble,	Reese, David P.,	Watkins,
Floss,	Krise,	Rhea,	Wilkinson,
Fleming,	Lee, T. H.,	Riley,	Winner,
Fletcher,	Lelsey,	Sarge,	Woodside,
Gates,	Lyons,	Soilenberger,	Yeakel,
Gillette,			

So the question was determined in the affirmative and the motion was agreed to.

(Following the calling of the roll and before the result was announced.)

PARLIAMENTARY INQUIRY

Mr. SARGE. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Lebanon will state his question of parliamentary inquiry.

Mr. SARGE. Mr. Speaker, is it possible and proper for a members's vote to be recorded if he does not vote until three or four subsequent names have been called?

The SPEAKER. He can have his vote recorded following the calling of the roll, if he was in the House during the calling of the roll.

Mr. SARGE. Mr. Speaker, the gentleman to my right did not vote until three or four subsequent names had been called and I just wondered whether his vote should be recorded. I think, Mr. Speaker, as a matter of fact the gentleman sitting on this side of the House voted wrong.

Mr. HARKINS. Mr. Speaker, in order to clarify that I think what the gentleman from Lebanon, Mr. Sarge, really means is that I voted right but I was on the wrong side of the House while I was voting.

The SPEAKER. The Chair has another complaint. The gentleman from Luzerne, Mr. McLane, I understand has eight birth certificates in his hands. What a man!

Mr. NAGEL. Mr. Speaker, I think a gentleman from this side of the House who went over to that side and had courage enough to vote over there ought to be entitled to two votes.

Mr. HOLLAND. Mr. Speaker, how is the gentleman from Delaware, Mr. James, recorded as voting?

The SPEAKER. "No midnight singing," I believe he said.

Mr. HOLLAND. Mr. Speaker, I think the gentleman voted "aye". He said "no midnight choruses," so he voted "aye". I ask that he be recorded in that way.

Mr. ACHTERMAN. Mr. Speaker, I wish to give a bit of information to the House prior to the remarks of the gentleman from Delaware, Mr. James.

Mr. JAMES. Mr. Speaker,—

The SPEAKER. Will the gentleman from Delaware Mr. James yield?

Mr. JAMES. I shall, Mr. Speaker.

The SPEAKER. The gentleman from Monroe will proceed.

Mr. ACHTERMAN. Mr. Speaker, I presume when a man is released from a serious promise he need no longer keep that promise. At least as far as the promise he made to me is concerned, I release him.

Mr. JAMES. Mr. Speaker, I am afraid I cannot accept the release. What Mr. Achterman really gave me was an interpretation. I indicated by wish that there should not be any midnight choruses in this Session as there were in the last Session. The discussion started entirely off

the question with which we now are concerned, but I realized very soon that the very clever gentleman from Monroe, the majority floor leader, had me in something of a box, but in the end I secured from him an interpretation that there could not be any midnight choruses if there were not midnight sessions. I think the gentleman released me by an interpretation rather than by a direct promise that I could be excused. However, I ask and I hope that my vote is recorded as "No".

The SPEAKER. The Chair wishes to inform the Members that what has occurred here is not establishing a precedent to permit debate during the calling of the roll.

The motion having been agreed to (at 2:17 p. m.) the House adjourned.

